

of men seemed pitted against them, all the odds are now upon our side.

Texas is rich, rich in resources, richer in people, richest in its possibilities. If we will but take hold in the spirit of our traditions and keep constantly before us the star of patriotism, we can settle all our problems without substantial hurt to anyone. Building upon the foundation laid by our forebears, devoted to the Constitution they created, like the Children of Israel of old we can "go forward." We can better and make happier the State which is the ideal and envy of all others, the Texas it is our privilege to serve.

Sincerely and with all respect,

JAMES V. ALLRED,
Governor of Texas.

SENATE RETIRES

At the conclusion of the address, the Senate, at 12:40 o'clock p. m., retired to the Senate Chamber.

RECESS

Mr. Smith of Tarrant moved that the House recess to 2:30 o'clock p. m., today.

Mr. Leonard moved that the House recess to 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Smith of Tarrant, it was lost.

Question next recurring on the motion by Mr. Leonard, it prevailed, and the House, accordingly, at 12:45 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Appropriations filed a favorable report on House Bill No. 1.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, January 13, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of

the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

LOUISE SNOW PHINNEY,
Chief Clerk.

SECOND DAY

(Continued)

(Thursday, January 14, 1937)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Calvert.

PROVIDING FOR COMMITTEES TO COUNT VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2, Providing for committees to count votes cast for Governor and Lieutenant Governor.

Be It Resolved by the Senate of Texas, and the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five Members of the House of Representatives to count the votes in the recent election for Governor and Lieutenant Governor and to make all necessary arrangements for their inauguration.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee on the part of the House: Mr. Knetsch, Mr. Baker, Mr. Cleveland, Mr. McFarland and Mr. Metcalfe.

CONCERNING ADOPTION OF TEMPORARY JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 1, To adopt Temporary Joint Rules.

Be It Resolved by the Senate, the House concurring, That the Joint Rules of the House and Senate of the Forty-fourth Legislature be, and they are hereby, made the Temporary Joint Rules of the House and Senate of the Forty-fifth Legislature.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was referred to the Committee on Rules.

PROVIDING FOR DELEGATE TO THIRD GENERAL ASSEMBLY OF THE COUNCIL OF STATE GOVERNMENTS

Mr. Thornton offered the following resolution:

Whereas, The Third General Assembly of the Council of State Governments will be held in Washington, D. C., January 21-24, 1937, to deliberate upon important interstate problems requiring cooperative action by the states with each other, and with the Federal Government; and

Whereas, To such Third General Assembly will report the following Interstate Commissions and National Associations:

Interstate Commission on Conflict-
ing Taxation

Tax Revision Council

Interstate Commission on Crime

Interstate Commission on Social Security

Interstate Commission on the Delaware River Basin

Interstate Commission on Council Development

Interstate Commission on Conservation

American Legislators' Association
National Association of Attorneys General

National Association of Secretaries of State; and

Whereas, The aforesaid affiliates of the Council of State Governments are ready to present tangible recommendations, some in the form of model legislative measures, based on their studies during the interim since the Assembly of 1935; and

Whereas, The Third General Assembly offers an opportunity through section meetings for the consideration by the delegates of other matters requiring cooperative action; and

Whereas, It is believed that substantial benefits would result from this State's representation at the Third General Assembly, and that such Assembly offers a means of surmounting obvious difficulties arising in governmental activities due to the absence of facilities for conference between governmental units; and

Whereas, The House of Representatives of this State is invited to send delegates to this Assembly—which delegation shall be entitled to one vote; therefore, be it

Resolved, That the House of Representatives of the State of Texas hereby authorizes and instructs the Speaker of the House to appoint one Member of the House of Representatives as a delegate to the Third General Assembly, which convenes in Washington, D. C., on January 21, 1937. Such delegate shall be and is hereby instructed to return to this body and report the definite recommendations of the Third General Assembly; and, be it further

Resolved, That the said delegate be entitled to reimbursement for his reasonable expenses out of the Contingent Expense Fund of the House of Representatives; and, be it further

Resolved, That the Chief Clerk of the House immediately notify the Council of State Governments, Drexel Avenue and Fifty-eighth Street, Chicago, Illinois, of the appointment of such delegate.

The resolution was read second time.

Mr. Farmer offered the following amendment to the resolution:

Amend resolution by adding, "That expense shall not exceed \$150.00."

The amendment was adopted.

Question recurring on the resolution, it was adopted.

The Speaker announced the appointment of Honorable Herman Jones of Wise County, as a delegate from the Texas House of Representatives to attend the Assembly.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Hoskins offered the following resolution:

H. C. R. No. 3, To grant F. L. Ehrig and others permission to sue the State of Texas and the State Highway Commission.

Whereas, F. L. Ehrig and wife, Elvira Ehrig; Allie Burditt and wife,

Neoma Burditt; J. R. Compton and wife, Maggie Compton; H. L. Cone and wife, Alice Cone; H. W. Matthews and wife, Bettie A. Matthews, individually and as Independent Executrix of the Estate of Mrs. J. T. Nixon, deceased, and each of them, own lands situated in Gonzales County, Texas; and

Whereas, In 1933-34 A. D., the State Highway Department re-routed State Highway Number 29, South of Gonzales, Texas, for a distance of approximately one (1) mile and constructed State Highway Number 112 South and West of State Highway Number 29 across the Guadalupe River Valley and the Relief Valley of the Guadalupe River; and

Whereas, Over the timely protest of numerous Gonzales County landowners that portion of State Highway Number 29 which was re-routed, was placed on a high road dump or grade with inadequate and insufficient openings through which the flood waters moving down the Guadalupe River Valley might pass; and a part of State Highway Number 112 across the Guadalupe River Valley and the Relief Valley of the Guadalupe River was likewise constructed on a high road dump or grade with a low grade or spillway approximately two thousand (2,000) feet in length between the Cross Timber and Stahl Lake through which flood waters moving down the Guadalupe River Valley would naturally be concentrated by the high road dump or grade on the remainder of State Highway Number 112 and on that portion of State Highway Number 29 which was re-routed; and

Whereas, In June, 1935, A. D., and in July and September, 1936, A. D., the Guadalupe River Valley South of Gonzales, Texas, was flooded and the natural flow of the flood waters was impeded by the high road dumps or grades of State Highways Numbers 29 and 112; and the flood waters were, therefore, concentrated when they passed through the inadequate and insufficient openings in said State Highways Numbers 29 and 112 and particularly were they concentrated when they passed over the low grade or spillway on State Highway Number 112; and

Whereas, As a result of the re-routing and construction of State Highways Numbers 29 and 112, the lands of each of the persons whose names are above set forth, were heavily

damaged and/or destroyed by the overflow of flood waters and by the concentration of said flood waters on and over their land in June, 1935, A. D., and in July and September, 1936, A. D.; and

Whereas, Article 1, Section 17, of the Constitution of the State of Texas, provides that, "No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person"; and

Whereas, None of the above named landowners have been compensated by the State of Texas or the State Highway Department, or otherwise, for the damage to or the destruction of his or her lands; and each of said landowners desires to establish a claim against the State of Texas and State Highway Department for his or her damages resulting from the re-routing of State Highway Number 29 and the construction of State Highway Number 112; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said F. L. Ehrig and wife, Elvira Ehrig; Allie Burditt and wife, Neoma Burditt; J. R. Compton and wife, Maggie Compton; H. L. Cone and wife, Alice Cone; H. W. Matthews and wife, Bettie A. Matthews, individually and as Independent Executrix of the Estate of Mrs. J. T. Nixon, deceased, and each of them, their executors, administrators, heirs, successors and assigns, be, and they and each of them are hereby given the permission and consent of the Legislature of the State of Texas, to file and prosecute suit or suits against the State of Texas and the State Highway Commission in any court or courts of competent jurisdiction in Travis County, Texas, for his or her damages or injuries resulting from the re-routing of a part of State Highway Number 29 and/or the construction of State Highway Number 112 through Gonzales County, Texas, and the concentration of the flood waters resulting therefrom, and that any cause of action and/or causes of action which the above named persons, or any one of them, may have shall not be barred by limitation until two (2) years from and after the date upon which this resolution becomes effective; and, be it further

Resolved, That in the event judgment is recovered against the State

of Texas and/or the State Highway Commission, the State and said Commission may appeal from said judgment, as provided by law, without executing any bond, and upon a final judgment being recovered against said defendants, or either of them, the same shall be paid out of the State Highway funds; and, be it further

Resolved, That service of all necessary processes may be had upon the Chairman of the State Highway Commission and the Attorney General with the same force and effect as in civil cases; be it further

Resolved, That a certified copy of this resolution when presented to the District Court in which a suit filed by the above named parties or any one of them is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on such claim and that permission has been granted to the parties named above, and each of them, to bring suit against the State of Texas and the State Highway Commission.

The crowded condition of the calendar and the importance of the subject matter of this resolution create an imperative public necessity requiring the suspension of the Constitutional Rule that all bills be read on three separate days in each House, and said Rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

The resolution was read second time, and was referred by the Speaker to the Committee on State Affairs.

PROVIDING FOR BLOCK PICTURE OF MEMBERS OF THE HOUSE

Mr. Fuchs offered the following resolution:

Whereas, It has been the custom of the House to leave a block-picture of its Members; and

Whereas, Several studios of Austin wish to compliment the Members of this House; therefore, be it

Resolved, That the Speaker appoint a committee of five to select, to the advantage of this House, a photographer to make, frame, and hang the picture of the Forty-fifth Legislature; and, be it further

Resolved, That (1) the photographer doing the work must be a first-class photographer and able to do first-class work; (2) a uniform price must be agreed upon to be

charged Members for individual and miniature photographs; and, be it further

Resolved, That the studio selected to do this work shall do said work without obligating any Member; that the studio shall begin at once to complete the picture so that it may be delivered during this Regular Session; that they will make a first-class picture of each Member and place in the group so as to show as nearly as possible the location of his seat; that under each picture is to appear the name of that Member and his post-office address.

FUCHS,
JAMES,
HULL,
WESTBROOK,
HARRIS of Archer.

The resolution was read second time, and was adopted.

REGARDING SALARY OF ASSISTANT READING CLERK

Mr. Broadfoot offered the following resolution:

Whereas, The Assistant Reading Clerk is an elective officer of the House, and holds a place of responsibility and trust; and

Whereas, He is on an equal basis, being an elective officer with the Assistant Doorkeeper who draws a daily salary of Seven Dollars and fifty cents (\$7.50); therefore, be it

Resolved, That the salary of the Assistant Reading Clerk be raised to a parity with that of the Assistant Doorkeeper, and that he be paid Seven Dollars and fifty cents (\$7.50) per day.

BROADFOOT,
HARRELL,
SMITH of Hopkins,
KERN.

The resolution was read second time, and was adopted.

ADOPTING JIMMY HALL MASCOT OF THE HOUSE

Mr. Smith of Tarrant offered the following resolution:

Whereas, We have with us now a proper person for the office of one of the Mascots of the House of Representatives of the Forty-fifth Legislature; and

Whereas, The House of Representatives has heretofore selected and

elected other Mascots for the House of Representatives of the Forty-fifth Legislature; and

Whereas, This young man is six years of age and will appreciate this distinction of being selected a Mascot of this Legislature; now, therefore, be it

Resolved, That Jimmy Hull, of Fort Worth, Texas, son of our distinguished Member, the Honorable H. A. Hull of Fort Worth, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have a picture made and placed in the official group of this body and that a copy of this resolution be given to him.

SMITH of Tarrant,
JAMES.

The resolution was read second time, and was adopted.

EXTENDING SYMPATHY TO HONORABLE JOE A. KEITH

Mr. Waggoner offered the following resolution:

Whereas, Our fellow Member, the Hon. Joe A. Keith, is sick in the Seton Infirmary; and

Whereas, We deeply regret his illness and inability to be present; now, therefore, be it

Resolved by the House of Representatives, That we extend to Mr. and Mrs. Keith our sincere sympathy, and wish for him a speedy recovery; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send suitable flowers to our colleague; and, be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk to Mr. Keith.

WAGGONER,
BURTON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsop, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Cagle, Callan, Carssow, Cathey, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox,

Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Metcalfe, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

PROVIDING FOR PUBLIC STENOGRAPHER

Mr. Fuchs offered the following resolution:

Whereas, It is convenient to those citizens having business with the Legislature to have access to an accurate stenographer and typist; and

Whereas, Heretofore the same has been supplied by permitting some person, competent in that respect, to install a desk and typewriter just outside of the door of the House of Representatives in such way as not to conflict or interfere with the business of the House or its Members; and

Whereas, Mrs. Jonnie Mae Watson and assistant are desirous of so installing such desk and typewriter for the purpose of handling stenographic and typing work for such citizens; therefore, be it

Resolved, That permission is hereby accorded to Mrs. Jonnie Mae Watson to install such desk and typewriter,

and to use the same for the purposes stated during the Regular and Called Sessions of the Forty-fifth Legislature, and until the convening of the next Regular Session.

FUCHS,
GRAVES,
JONES of Wise.

The resolution was read second time, and was adopted.

RELATIVE TO RECOMMENDATIONS FOR OLD AGE ASSISTANCE

Mr. Cathey offered the following resolution:

Whereas, In the present setup of the Old Age Pension Department, it is impossible for County Investigators to make thorough investigation and report to the present Board at Austin; and

Whereas, There are thousands over the State who are in need and almost on starvation who desire Old Age Assistance, but have been unable at the present time to procure such aid; and

Whereas, The Commissioners' Court is thoroughly conversant and posted as to the needs of their constituents in their respective Commissioners' Precinct and are able to pass on the eligibility and needs of the old people now on sufferance; now, therefore, be it

Resolved by the House of Representatives, That they ask Orville Carpenter for the next eight weeks to envoke the aid and help of the Commissioners' Court of each County and that he request the Commissioners' Court to set apart three days out of each week or more in their community to look into matters pertaining to the aged citizenship and make such recommendations to the County Investigators as they deem proper and right; and, be it further

Resolved, That the Old Age Assistance Commission respect such request or recommendation of the Commissioners' Court and recommend that these parties come before them for Old Age Assistance and that they were recommended by such Commissioners' Court then and in that event to immediately put them on the rolls for Old Age Assistance.

CATHEY,
FARMER,
HUDDLESTON,
CLEVELAND,
HARRELL.

The resolution was read second time.

Mr. Alsup raised a point of order, on further consideration of the resolution, on the ground that the resolution seeks to amend an existing law.

The Speaker overruled the point of order.

Mr. Jones of Falls moved that the resolution be referred to the Committee on State Affairs.

Mr. Farmer moved to table the motion to refer the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—36

Amos	Lucas
Bates	McConnell
Boethel	Moffett
Boyer	Powell
Bradbury	Prescott
Bradford	Quinn
Callan	Reader
Cathey	Reed of Bowie
Davis of Haskell	Simpson
Davisson	Smith of Hopkins
of Eastland	Smith
Farmer	of Matagorda
Hardin	Smith of Tarrant
Herzik	Stinson
Holland	Walker
Hoskins	Weldon
Huddleston	Westbrook
Hull	Wood
Kern	Worley

Nays—88

Adkins	Dollins
Alsup	England
Baker	Fielden
Beckworth	Graves
Bell	Hankamer
Blankenship	Hanna
Bond	Harbin
Bridgers	Harper
Broadfoot	Harrell
Brown	Harris of Archer
Burton	Harris of Dickens
Cagle	Heflin
Carssow	Howard
Celaya	Hyder
Cleveland	Jackson
Colquitt	James
Davis of Jasper	Johnson of Ellis
Dean	Johnson
Deglandon	of Tarrant
Derden	Jones of Angelina
Dickison	Jones of Falls

Jones of Wise	Oliver
Kelt	Palmer
Kenyon	Patterson of Mills
King	Patterson
Knetsch	of Travis
Langdon	Petsch
Lankford	Ragsdale
Lanning	Reed of Dallas
Leath	Rhodes
Leonard	Riddle
Loggins	Roark
London	Ross
Mann	Russell
Mauritz	Settle
Mays	Sewell
McDonald	Sharpe
McFarland	Skaggs
McKee	Talbert
McKinney	Tennant
Metcalfe	Tennyson
Monkhouse	Thornton
Morris	Vale
Morse	Waggoner
Nicholson	Winfree

Absent

Alexander	Little
Davison of Fisher	McCracken
Felty	Pope
Fox	Rutta
Fuchs	Schuenemann
Gibson	Shell
Hamilton	Stevenson
Harris of Dallas	Stocks
Hartzog	Tarwater
Jones of Atascosa	Thornberry

Absent—Excused

Keefe	Leyendecker
Keith	Newton

Question recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

Mr. Cleveland moved to reconsider the vote by which the resolution was referred to the Committee on State Affairs.

Mr. Metcalfe moved to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 2, Fixing the per diem of the Members of the Legislature at \$10.00 per day.

H. C. R. No. 1, Relating to the abduction and murder of Charles Mattson of Tacoma, Washington.

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

(With amendment)

Respectfully,

ROB BARKER,
Secretary of the Senate.

PROVIDING FOR EMPLOYEES OF THE HOUSE

Mr. Leonard submitted the following committee report and resolution:

Austin, Texas, January 14, 1937.

Honorable Robert W. Calvert, Speaker of the House of Representatives, Austin, Texas

Mr. Speaker:

We, your Committee appointed pursuant to House Simple Resolution No. 1, for the purpose of determining the needs of the House in regard to appointive employees of various kinds and to recommend compensation for such employees, have had same under consideration and beg to report back in the form of the House Simple Resolution which is attached hereto.

LEONARD,
WALKER,
MORSE,
HYDER,
JONES of Wise.

Whereas, It is the duty of the State of Texas to furnish the House of Representatives and its Members with the proper facilities, employees, and supplies to permit them to conduct and transact their official business in a business-like and efficient manner; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature of the State of Texas, That the Speaker of the House shall appoint the following employees for the Regular

Session of the Forty-fifth Legislature to serve for such compensation as is herein provided, unless otherwise specified:

1. Parliamentarian to the House, at \$10.00 per day.

2. Two secretaries to the Speaker, at \$5.00 per day, each.

3. One porter for the Speaker, at \$3.00 per day. (a) One bill clerk at \$4.00 per day.

4. a. One Assistant to the Chief Clerk, at \$5.00 per day.

b. One secretary to the Chief Clerk, at \$5.00 per day.

5. One bookkeeper for the Chief Clerk, at \$5.00 per day.

6. One stenographer to the Chief Clerk, at \$4.00 per day.

7. One clerk to the Chief Clerk, at \$3.50 per day.

8. One assistant to the Journal Clerk, at \$5.00 per day.

9. Two assistants to the Calendar Clerk, at \$4.00 per day, each.

10. One clerk to the Committee on Appropriations, at \$7.50 per day.

11. One assistant clerk to the Committee on Appropriations, at \$5.00 per day. a. One reference librarian, and data clerk, at \$5.00 per day, each.

12. Two stenographers for the Committee on Appropriations, at \$5.00 per day, each.

13. One filing clerk to the Committee on Appropriations, at \$4.00 per day.

14. One superintendent of stenographers, at \$6.50 per day.

15. Fifty expert stenographers and typists, at \$4.00 per day.

16. One superintendent of committee clerks, at \$5.00 per day. a. Twenty committee clerks, at \$4.00 per day, each. b. One clerk to the Committee on Claims and Accounts, at \$5.00 per day.

17. Six secretaries for committee chairmen, at \$4.00 per day, each.

18. One clerk for the Committee on Contingent Expenses, at \$5.00 per day.

19. One assistant clerk to the Committee on Contingent Expenses, at \$4.00 per day.

20. One mailing clerk for the Journal, at \$4.00 per day.

21. One assistant mailing clerk for the Journal, at \$4.00 per day.

22. One supply clerk and storekeeper, at \$3.00 per day.

23. One assistant supply clerk, at \$2.50 per day.

24. One page to the Committee on Contingent Expenses, at \$2.50 per day.

25. One porter to the Committee on Contingent Expenses, at \$2.00 per day.

26. One page to the Doorkeeper, at \$2.50 per day. a. One page to the Assistant Doorkeeper, at \$2.50 per day.

27. One page for the Enrolling and Engrossing rooms, at \$2.50 per day.

28. One page for the stenographic force, at \$2.50 per day.

29. One messenger to carry papers to the Confederate Home, at \$2.00 per day.

30. Twenty-five pages, at \$2.50 per day, each.

31. One multigraph and/or mimeograph clerk, at \$4.00 per day.

32. One secretary to Mr. Alsup, at \$4.00 per day.

33. Four Assistant Sergeants-at-Arms, at \$4.00 per day, each.

33a. One secretary to Sergeant-at-Arms, at \$4.00 per day.

34. One night watchman, at \$2.50 per day.

35. One assistant night watchman, at \$2.50 per day.

36. Ten porters, at \$2.00 per day, each.

37. One men's wash room porter, at \$2.50 per day.

38. One extra duty porter, at \$2.50 per day. a. One maid for ladies' lounge room, at \$2.00 per day.

39. One superintendent of porters, at \$3.50 per day.

40. Two elevator boys, at \$2.00 per day, each.

41. One night houseman, at \$2.50 per day.

42. One chief operator for voting machine, at \$7.50 per day.

43. One assistant operator for voting machine, at \$5.00 per day.

44. One House Postmaster, at \$4.00 per day.

Be it further resolved, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employee who, in his judgment, is not further needed; or for the misconduct of any employee, and he shall have the power to appoint extra help whenever in his judgment it

is needed. The duties of the employees heretofore mentioned shall be such as are required by the Speaker of the House of Representatives, and he is hereby empowered to apportion the hours and pay of part-time employees.

Any of the employees may be excused by the Speaker for causes deemed by him sufficient; provided further, that any employee who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employees shall begin when they are instructed to begin work by the Speaker; be it further

Resolved, That each Member of the House of Representatives of the Forty-fifth Legislature be, and is herewith, allowed a credit in the sum of \$100 each, with the Committee on Contingent Expenses for expenditure for stationery, supplies, postage, telephone tolls and/or telegraph tolls. The Speaker shall be allowed an additional \$50, the Chief Clerk shall be allowed \$50, the Committee on Contingent Expenses, the Committee on Claims and Accounts, and the Sergeant-at-Arms shall each be allowed \$20, and the Committee on Appropriations shall be allowed \$50.

The Committee on Contingent Expenses shall procure and keep for the use of the House, its Members, officers and committees, such stationery, stamps, and other supplies as may be needed and ordered by the House, Speaker, and/or the Chairman of the Committee on Contingent Expenses. The clerk of this committee shall keep an itemized account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the persons from whom it was received. The unused remainder, if any, shall be delivered, at the close of the session, to the Board of Control for safe-keeping. The office of this committee shall be kept open daily, except Sundays, from 8:30 a. m. until one hour after the adjournment of the House, and on Sundays from 9 a. m. to 11 a. m. The committee shall keep a set of books, containing an account for each Member, officer, and/or committee authorized by the House, to expend stationery, supplies, stamps, telephone and/or telegraph tolls, and shall charge to each such account its daily withdrawals. The clerk of the committee shall furnish a statement, to each, of

the accounts, monthly, or when requested.

The Committee on Contingent Expenses shall have jurisdiction over the mailing of the Journal.

Each Member shall be furnished with three weekly and/or daily newspapers, of his own selection.

All requisitions for paper and supplies necessary for the preparation of bills and/or resolutions, for the use of the Enrolling and Engrossing rooms and/or the standing committees of the House shall be under the direction and care of the Committee on Contingent Expenses. This committee is also authorized to rent a sufficient number of typewriters and other business machines for the use of the House and its employees, and to furnish same with proper materials; be it further

Resolved, That eleven hundred copies of the House Journal be printed daily; one hundred to be delivered to the Senate, one copy to be placed on each Member's desk daily, seventy-five copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker; and, be it further

Resolved, That no allowances included in this resolution shall be expended except for actual salaries and/or actual expenses of the House, its Members, officers, committees, and/or employees hereinabove set out. All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House.

WALKER,
HYDER,
LEONARD,
MORSE,
JONES of Wise.

The resolution was read second time.

Mr. Bell offered the following amendment to the resolution:

Amend the resolution to authorize the employment of not to exceed two Legal Advisors, to assist Members and committees in preparing and perfecting bills, at a salary of Ten Dollars per day.

BELL,
PATTERSON of Mills,
METCALFE,
BOETHEL,
LANGDON,
PRESCOTT,
TALBERT,
BATES.

Mr. Hardin moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Adkins	Kern
Amos	King
Bond	Knetsch
Boyer	Lanning
Bradbury	Loggins
Bradford	London
Bridgers	Lucas
Broadfoot	Mann
Cagle	Mauritz
Carssow	McConnell
Colquitt	McCracken
Davis of Haskell	McDonald
Davison of Fisher	McFarland
Davisson	Moffett
of Eastland	Morris
Deglandon	Nicholson
Derden	Oliver
Dollins	Patterson of Mills
England	Petsch
Farmer	Pope
Fielden	Powell
Fox	Quinn
Fuchs	Ragsdale
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Hankamer	Rhodes
Harbin	Roark
Harper	Ross
Harrell	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Settle
Heflin	Simpson
Hoskins	Smith of Hopkins
Howard	Stinson
Huddleston	Tarwater
Hull	Tennant
Hyder	Thornton
Jackson	Waggoner
Johnson of Ellis	Walker
Jones of Angelina	Weldon
Jones of Falls	Winfree
Jones of Wise	Worley

Nays—31

Alsop	Dickison
Baker	Felty
Bates	Hanna
Beckworth	Hartzog
Boethel	Johnson
Brown	of Tarrant
Burton	Kelt
Callan	Langdon
Celaya	Mays
Davis of Jasper	Monkhouse
Dean	Morse

Palmer	Sewell
Patterson	Smith
of Travis	of Matagorda
Prescott	Talbert
Reader	Thornberry
Riddle	Vale

Absent

Alexander	Leonard
Bell	Little
Blankenship	McKee
Cathey	McKinney
Cleveland	Metcalfe
Gibson	Russell
Hardin	Sharpe
Harris of Dickens	Shell
Herzik	Skaggs
Holland	Smith of Tarrant
James	Stevenson
Jones of Atascosa	Stocks
Kenyon	Tennyson
Lankford	Westbrook
Leath	Wood

Absent—Excused

Keefe	Leyendecker
Keith	Newton

Mr. Farmer offered the following amendment to the resolution:

Amend that part of Resolution No. 15 providing for stenographers salary by changing \$4.00 per day to \$5.00 per day.

The amendment was adopted.

Mr. Farmer moved to reconsider the vote by which the above amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Jones of Falls offered the following amendment to the resolution:

Amend the resolution by striking out figure "four" and insert therefor \$6.00 per day for secretaries to Speaker.

The amendment was adopted.

Mr. Herzik offered the following amendment to the resolution:

Amend the resolution, line 33, page 2, to read "Four Assistant Sergeant-at-Arms at \$5.00 per day."

The amendment was lost.

Mr. England offered the following amendment to the resolution:

Amend resolution to raise compensation of pages to doorkeeper from \$2.50 to \$3.50 per day.

The amendment was lost.

Mr. Mann offered the following amendment to the resolution:

Amend the resolution to provide \$4.00 per day for the page to the Doorkeeper.

The amendment was lost.

Mr. Cagle offered the following amendment to the resolution:

Amend the resolution by changing item number 8 to read as follows: "Two Assistants to the Journal Clerk."

The amendment was adopted.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 4, Providing for a Joint Session of the House and Senate at 3 p. m., January 14, 1937, for the purpose of counting the votes and certifying the election of Governor and Lieutenant Governor.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, (by unanimous consent) was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Weldon:

H. B. No. 69 A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

Referred to the Committee on Appropriations.

OPINION OF CURTIS E. HILL ASSISTANT ATTORNEY GENERAL

On motion of Mr. Pope, the following opinion of Curtis E. Hill, Assistant Attorney General, was ordered printed in the Journal:

January 11, 1937.

Honorable Harry Hines,
Chairman of the State Highway Commission,

Austin, Texas.

My Dear Sir:

I have for consideration and reply your letter written sometime ago, the pertinent portion of which reads as follows, to-wit:

"I am handing you herewith a memorandum file with reference to Highway No. 96 across Kenedy County and a copy of Senate Concurrent Resolution No. 27 dated October 12, 1933; would thank you to advise me if this is a positive law upon which the Highway Department would have to build this road at once as of that date October 12, 1933.

"Is the Highway Commission to understand that State Funds should not be used for new highway construction on any projects that were not in process of construction or had not been authorized by the Commission to be constructed at that time?

"You will note the writer's memorandum of November 16th in which I made certain requests of my colleagues which was not granted; however, a project was authorized on November 19th for \$150,000.00 worth of construction on the north end of the County on this highway.

"The Department let a contract for construction of a section some two or three months ago and the order of November 19th for \$150,000.00 will join same on the south and will leave probably thirty miles or more untouched and being fenced off, the public will not be able to get through this highway, and not until the entire road is built will the traveling public be able to utilize same by reason of the landowners keeping right of way fenced in."

Senate Concurrent Resolution No. 27, to which you refer in your letter was passed by the First Called Session of the 43rd Legislature, 1933, same appearing at Page 393 et seq. of the Senate Journal, and reading as follows, to-wit:

"Senator Hornsby sent up the following resolution:

"Whereas, on May 27th, 1933, Robert Kelberg, under a Kingsville, Texas, date line, addressed a letter to Honorable Archie Parr, Senate Chamber, Austin, Texas, which communication was approved by John G. Kenedy, Jr., H. F. and J. C. McGill, Ceasar Kelberg, Will Ball, Charles M. Armstrong, Frausto Yterria, and Daniel Yterria, and in said communication

the following agreement and contract was tendered the State of Texas through the Highway Commission of Texas in the following language, to-wit:

"I submit this statement with the proposal, through you, our Senator and life-long friend, if it meets with your approval that the Highway Commission be requested to have prepared a complete engineering report of the possibilities, cost, safety, all-weather features, traffic capacity, present and future of both projects under consideration, namely, the proposed Padre Island road and the route paralleling the Missouri Pacific Railroad; that such study and survey be commenced without delay and that the report of the commission, together with its findings, conclusions and recommendations, be completed and made public in the shortest possible time consistent with a full and fair consideration of the problems involved. I request also that a representative of the Bureau of Public Roads of the Federal Department of Agriculture be invited to join the commission in the proposed investigation. When the proposed study and investigation have been completed, and the Highway Commission has reached a decision and is prepared to build the Kenedy County road, the interested landowners of Kenedy County will immediately and without delay request the Commissioners' Court of Kenedy County to cooperate with the Highway Commission in securing the necessary right-of-way for whichever route the commission may recommend'."

(The following paragraph does not occur in Senate Concurrent Resolution No. 27 but is taken from a communication from Robert Kelberg and others, which is printed at Page 2245 et seq. of the Senate Journal of the Regular Session of the 43rd Legislature, and we interpolate same here because we think it pertinent to a consideration of the questions under investigation.)

"We are eager and anxious to continue the progressive and farsighted policies of our fathers and grandfathers, which were largely responsible for the wonderful development which our favored section of Texas has enjoyed, and so we feel that in this matter careful consideration should be given to both of the proposed routes in order that the great-

est good of the greatest number may be accomplished. We have no other purpose, interest or concern, and shall gladly abide by the decision of the Highway Commission."

Whereas, the State Senate of Texas, at its Regular Session of the Forty-third Legislature, adopted Senate Simple Resolution No. 121, appearing on Page 2360 of the Senate Journal of said Regular Session, to-wit:

"Whereas, Interested landowners in a communication addressed to the Honorable Archie Parr, Senator from the Twenty-seventh Senatorial District, have requested that the Highway Commission make a survey and report covering two suggested routes for the Hug-the-Coast Highway through Kenedy County; and

"Whereas, Said interested landowners have agreed to abide by the recommendations of said Highway Commission based upon such study and investigation, and to cooperate in securing the necessary rights-of-way for a highway through Kenedy County for such route as the Highway Commission may recommend; therefore, be it

"Resolved, That the Senate of Texas hereby requests the Highway Commission to proceed without delay to make a thorough study of the two routes proposed and that it expedite with all possible dispatch the completion of such study and investigation and make public its recommendation as soon as possible in order that construction of the proposed highway may be commenced as soon as may be practical.

"Purl, Parr, Woodul, Woodward, Rawlings, Hornsby, Duggan, Poage, Regan, Stone, Martin, Blackert, Neal, Murphy, Russek, Redditt, Sanderford, Pace, Fellbaum, Woodruff, Greer, Moore, Patton, and Holbrook."

(Said Simple Resolution was adopted by the Senate on May 29, 1933; and

Whereas, The said Highway Commission of Texas directed the State Highway Engineer to make or cause to be made, said comparative survey, and determine the location of construction of a State Highway on what is known as the Padre Island or on Highway No. 96 through Kenedy County; and

Whereas, The said survey was so made, and report thereof, made to

the State Highway Department of Texas, and on September 19, 1933, as appears from Minute Number 8149½ of the State Highway Commission, the State Highway Commission of Texas entered the following order, to-wit:

"Whereas, The Senate of Texas by resolution requested the State Highway Department to make a comparative survey of what is known as the Padre Island Route from Corpus Christi to Point Isabel, and Highway Number 96 through Kenedy County; and

"Whereas, The survey has been completed and all data furnished the Highway Department, and it has been determined that the location and construction of a State Highway on what is known as Padre Island is impracticable;

"It is therefore ordered by the Highway Commission that what is known as the Kenedy County Route or Highway Number 96 be and the same is hereby adopted in preference to the Padre Island Route and the State Highway Engineer is directed to make a location through Kenedy County as soon as practicable, so that right-of-way may be furnished under the terms of an agreement entered into by and between certain property owners in Kenedy County and representatives of the Highway Department and State Senate, with the understanding that after the survey has been completed and right-of-way furnished, the road through Kenedy County will be constructed as soon as funds are available; and

"Whereas, The records in the office of the Highway Commission of Texas show that the highway running north and south through Willacy County is paved to the northern boundary line of Willacy County, which is the southern boundary line of Kenedy County, and that the terminus of the pavement is immediately east of the right-of-way of the Missouri Pacific Railroad, referred to in the communication of Robert Kleberg, and that the end of the said pavement is the beginning of the road right-of-way through Kenedy County, and since the proposition made by said interested landowners in said communication addressed to the Honorable Archie Parr requires the location of the said road right-of-way through Kenedy County to be parallel with said railroad, the Highway Commission has

by its said order accepted said contract, and approved the same. Said road right-of-way through Kenedy County has been by virtue of said communication, and Simple Resolution of the Senate, No. 121, and said order of said Highway Commission, made a binding contract and fixed the location and designation of said road right-of-way through Kenedy County and constitutes a binding gift by said property owners to the State of Texas of said road right-of-way; now, therefore, be it

"Resolved by the Senate of Texas, the House concurring, That the State Highway Engineer of the State of Texas, be, and is hereby directed to supply to the Senate of Texas, on or before 12 o'clock noon, October 12, 1933, a map of said proposed right-of-way through Kenedy County parallel with said railroad as provided in said communication of Robert Kleberg and said Senate Simple Resolution No. 121 and said order of said Highway Commission of Texas, and that on or before October 20, 1933, the said State Highway Engineer supply sufficient data from his office and from the office of the County Clerks of Kenedy County, Texas, and Kleberg County, Texas, from which the field notes of said road right-of-way can be made certain and that said interested landowners be requested by a letter or letters, submitted from said Highway Department, to supply deeds to said road right-of-way in accordance with the said contract on or before the first day of November, 1933, and that said contract and designation of said road right-of-way through Kenedy County made as aforesaid through the Senate of Texas, be, and the same is hereby accepted and approved, and the said State Highway Engineer is hereby directed to immediately remove the cross-fences from said right-of-way and designate the middle line of said road right-of-way for such use as the public shall desire to make thereof pending the better improvement of said road by the Highway Commission of Texas; be it further

"Resolved, That the State Highway Commission of Texas be, and it is hereby directed to use such funds as are now available for the immediate construction of the said road.

HORNSBY.

"The resolution was read.

"Senator Hornsby received unanimous consent to take up the resolu-

tion for consideration without referring it.

"Senator Redditt sent up the following amendment:

"Amend S. C. R. No. 27 by adding at the end of the resolution the following:

" 'Provided that this resolution shall not be construed to authorize the Highway Commission to give priority to this project over pending road projects.'"

REDDITT

"Read and adopted.

"The resolution was adopted unanimously."

From the contents of your letter, I understand you wish to know the legal effect of the passage of said Senate Concurrent Resolution No. 27. The preamble of such Resolution contains recitations of and references to certain communication printed at Pages 2245 et seq. of the Senate Journal of the Regular Session of the Forty-third Legislature and Senate Simple Resolution No. 121, printed at Page 2248 of the Senate Journal of the Regular Session of the Forty-third Legislature; and such communication and said Senate Simple Resolution No. 121 will be considered in connection with Senate Concurrent Resolution No. 27 in answering your inquiry. I shall attempt to make as complete and thorough an exposition of this matter as I can in order to inform you as to what I consider the legal effect of same on all parties interested.

This opinion will be based upon a consideration of the Resolution considered with the above mentioned printed communication and Senate Simple Resolution No. 121, with no consideration whatsoever of any other agreements or contracts that might have been made in connection with the matter by any parties interested therein and with no consideration to the transpiration of any facts or circumstances that are not disclosed by the recitations of said Resolutions and printed communication, since your inquiry is confined to an interpretation of said Resolution and your writer has no way of knowing of any agreements or contracts not appearing in the Resolutions and printed communication or of any facts or circumstances that might have transpired in connection with the matter not appearing in the recitations of said Resolutions and printed communication.

So far as the "interested land owners of Kenedy County" are concerned, it appears from the face of the Resolution that the only thing which they have agreed to do is shown in the following language taken from the printed communication, same being as follows, to-wit:

"I submit this statement with the proposal through you, our Senator and life-long friend, if it meets with your approval that the Highway Commission be requested to have prepared a complete engineering report of the possibilities, cost, safety, all-weather features, traffic capacity, present and future of both projects under consideration, namely, the proposed Padre Island road and the route paralleling the Missouri Pacific Railroad; that such study and survey be commenced without delay and that the report of the commission, together with its findings, conclusions and recommendations, be completed and made public in the shortest possible time consistent with a full and fair consideration of the problems involved. I request also that a representative of the Bureau of Public Roads of the Federal Department of Agriculture be invited to join the commission in the proposed investigation. When the proposed study and investigation have been completed, and the Highway Commission has reached a decision and is prepared to build the road, the interested landowners of Kenedy County will immediately and without delay request the Commissioners Court of Kenedy County to cooperate with the Highway Commission in securing the necessary right-of-way for whichever route the commission may recommend.

"We are eager and anxious to continue the progressive and farsighted policies of our fathers and grandfathers, which were largely responsible for the wonderful development which our favored section of Texas has enjoyed, and so we feel that in this matter careful consideration should be given to both of the proposed routes in order that the greatest good of the greatest number may be accomplished. We have no other purpose, interest or concern, and shall gladly abide by the decision of the Highway Commission."

(Underscoring ours.)

Viewing the language above (underscored by us), we notice that the landowners of Kleberg County named in the first paragraph of Senate Concurrent Resolution No. 27 have

agreed by such communication, conveyed to the Senate through Senator Parr, which proposal was subsequently accepted by the Senate by appropriate Resolution, to do two things; first, after the Highway Commission had reached a decision as to whether the Padre Island route or the route paralleling the Missouri-Pacific Railroad would be used for the highway right-of-way and was prepared to build the road, such interested landowners would "immediately and without delay request the Commissioners Court of Kenedy County to cooperate with the Highway Commission in securing the necessary right-of-way, for whichever right-of-way the Highway Commission should recommend;" and second, to abide by the decision of the Highway Commission with reference to the route selected for the highway right-of-way. By Senate Simple Resolution No. 121 the Senate accepted the proposal of the interested Kenedy County landowners and this constituted a binding contract between the interested Kenedy County landowners on the one hand and the State of Texas on the other hand, the interested Kenedy County landowners who signed and approved the above mentioned printed communication being bound to do the two things above outlined, and the State of Texas, through its Highway Commission, being bound "to proceed without delay to make a thorough study of the two routes proposed and expedite with all possible dispatch the completion of such study and investigation, and make public its recommendation as soon as possible in order that construction of the proposed highway might be commenced as soon as may be practical." So far as the above mentioned Resolutions and printed communication are concerned, there appears to have been no withdrawal of such proposal on the part of the interested Kenedy County landowners up until the time that Senate Concurrent Resolution No. 27 was passed, and same not having been withdrawn, a further acceptance of such proposal by the Senate on behalf of the State of Texas, was made by the passage of Senate Concurrent Resolution No. 27.

That the Legislature of the State of Texas has a right to contract by a concurrent resolution, we think is not an open question.

In the case of *Charles Scribner's Sons v. Marrs*, 262 S. W. 722, the Su-

preme Court of this State, in the course of its opinion, said:

"The State, in its sovereignty, has the right and power to contract. Unless limited by organic law, the subjects of contract, the length of the term for which a contract may be made and the general public policy regarding contracts are within the Legislative prerogative . . . The power to contract is an important subject. While making limitations on other subjects of equal importance, the Constitution made none on the power to contract, except as to the creation of 'debt'. It would seem, if other limitation on the power to contract was intended, it would have been expressed."

Such language above quoted from the case of *Charles Scribner's Sons v. Marrs*, supra, was quoted with approval by the Supreme Court in the comparatively recent case of *Rhoads Drilling Co. v. Allred*, 70 S. W. (2d) 576 at Pages 583 and 584.

Further, in this connection, in the case of *Terrell v. King*, 14 S. W. (2d) 786, the Supreme Court of Texas, said:

"It is no longer an open question in Texas that a joint resolution of both Houses, approved by the Governor, reflects the command and will of the State in one of the modes prescribed by the Constitution, and is as binding as a statute."

Viewing the language taken from the above cited Supreme Court cases, we think there can be no doubt that the Legislature of the State of Texas had authority to contract with reference to the proposed Kenedy County highway in the manner reflected by the printed communication and Resolutions herein involved.

It appears from the recitations of Senate Concurrent Resolution No. 27 that, after the proposal contained in the printed communication from Robert Kleberg and others had been received by the Senate, and in response thereto, Senate Simple Resolution No. 121 had been passed, the Highway Commission of Texas, by Minute No. 8149½, directed the State Highway Engineer to make, or cause to be made, a comparative survey to determine the location of the construction of said State Highway through Kenedy County on what is known as the Padre Island route or the route paralleling the Missouri-Pacific Railroad, as the Highway Commission had been requested to do by said Senate Simple

Resolution No. 121, and after such investigation had been made and completed the State Highway Commission determined that the Padre Island route was impracticable, and it, the said State Highway Commission, selected the Kenedy County route or "Highway No. 96 route", which route paralleled the Missouri-Pacific Railroad as the proper route for the proposed State Highway through such county, and the State Highway Commission, by Minute No. 8149½, directed the State Highway Engineer to, as soon as practicable, make a location through Kenedy County of such right-of-way so that same might be furnished under the terms of the agreement that had theretofore been made by and between the property owners of Kenedy County and representatives of the State Highway Commission and State Senate with the understanding, that after the survey had been completed and right-of-way furnished, the road through Kenedy County would be constructed as soon as funds were available.

It further appears from the recitations contained in the last three paragraphs of the main portion of Senate Concurrent Resolution No. 27 that the Senate concluded, that by virtue of the printed communication transmitted by the interested landowners of Kenedy County to Senator Parr, the passage of Senate Simple Resolution No. 121 and the passage and entry of Minute No. 8149½ by the State Highway Commission, a binding contract had been made between the interested landowners of Kenedy County, Texas, on the one hand and the State of Texas and the State Highway Commission on the other hand, fixing the location and designation of said road right-of-way through Kenedy County. Upon this conclusion the Senate, the House of Representatives concurring, directed the State Highway Engineer of the State of Texas to "on or before twelve o'clock noon on October 12, 1933 supply to the Senate of Texas a map of the proposed right-of-way through Kenedy County, parallel with the Missouri-Pacific Railroad, and that on or before October 20th, 1933, the State Highway Engineer furnish sufficient data from named sources from which the field notes of said right-of-way could be made certain, and that the interested landowners be requested by letter or letters from

the State Highway Commission to supply deeds to said road right-of-way in accordance with the said contract on or before the 1st day of November, 1933."

Further, in said Senate Concurrent Resolution No. 27, it was provided that said contract and said designation of said road right-of-way through Kenedy County, as above outlined, was accepted and approved and the State Highway Engineer was directed to immediately remove the cross-fences from said right-of-way and designate the middle line of said road for such use as the public should desire to make thereof, pending the better improvement of said road by the Highway Commission of Texas; and the Highway Commission was directed to use such funds as were then available for the needed construction of said road, provided that said Resolution did not authorize the Highway Commission to give priority to the Kenedy County project over pending road construction projects.

We concur with the Senate in its conclusion as set out in the third paragraph of the main portion of Senate Concurrent Resolution No. 27 that a contract between the interested landowners of Kenedy County on the one hand and the State of Texas and the State Highway Department on the other hand had been completed by virtue of the proposal contained in the printed communication transmitted by them to the Senate through Senator Archie Parr, the passage of Senate Simple Resolution No. 121 by the Senate, and the passage and entry of the State Highway Commission of Minute No. 8149½, fixing the location of the right-of-way through Kenedy County, provided the landowners whose names were signed to the printed communication to Senator Parr, jointly or severally, held complete ownership, control and possession of all of the land that would be traversed by the proposed right-of-way through Kenedy County because it appears in the last paragraph of such communication that such interested landowners of Kenedy County, after indicating their desire that the Highway Department make an investigation of the two proposed routes and then select the most practicable one, said that "we . . . shall gladly abide by the decision of the Highway Commission." Of course,

these interested landowners who signed the printed communication that was transmitted to the State Senate by Senator Parr had no authority to bind other landowners of Kenedy County, if any, over whose land the proposed right-of-way would pass as to the location of the proposed right-of-way through such county. Whether or not there are other landowners in this county whose land would be traversed by the proposed right-of-way is not disclosed by the instruments before your writer.

It was a clear command by the Legislature of the State of Texas binding upon the State Highway Engineer of the State of Texas to carry out the instructions of the Legislature contained in next to the last paragraph of Senate Concurrent Resolution No. 27 with reference to the gathering of data from which field notes for the right-of-way could be prepared, with reference to the immediate removal of the cross-fences upon said right-of-way and the designation of the middle line of said road right-of-way, pending the better improvement of said road by the Highway Commission of Texas.

In this connection, the question might be raised that since no deeds, up to this point, had been furnished by the interested landowners to the State Highway Department, neither the State of Texas nor the State Highway Department had acquired any title to the land embraced in the right-of-way as same had theretofore been surveyed by the State Highway Engineer on his prior investigation, and that therefore the State Highway Engineer had no right to remove the cross-fences from said right-of-way and designate the middle line of said road right-of-way for the use of the public, pending the better improvement of said road. While this may be true, yet Article 1, Section 17 of the Constitution of Texas provides:

"Article 1 (Bill of Rights), No. 17, of the Texas Constitution provides: 'No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money.'"

Construing the above quoted Section of the Constitution in the case of

State v. Hale, 96 S. W. (2d) 139, the Austin Court of Civil Appeals said:

"The State has the unquestioned right to damage private property for public use."

In the Hale case, supra, the cause of action asserted by Hale was based upon damage to his land and we think, by the same token, if the State has the right to "damage" private property for public use, in contemplation of Article 1, Section 17 of the Constitution, it has the unquestioned right to "take" private property for public use. Since the next to last paragraph of Senate Concurrent Resolution No. 27 was valid as an expression of the command and will of the Legislature as held by the Supreme Court in the case of Terrell v. King, supra, and since same contained a clear command to the State Highway Engineer, your writer thinks that there can be no question but that it was the duty of the State Highway Engineer to forthwith comply with such command of the Senate with reference to the supplying of data from which the field notes for such right-of-way could be made and with reference to the immediate removal of the cross-fences from said right-of-way and the designation of the middle line of said road for the use of the public, pending the better improvement of said road by the Highway Commission of Texas.

We pass from the Resolution so far as the same affected the duties of the State Highway Engineer to a consideration of the duties that were enjoined thereby upon the State Highway Commission of Texas.

In the last two paragraphs of said Senate Concurrent Resolution No. 27, the Highway Department was commanded to request by letter or letters the said interested landowners of Kenedy County to supply deeds to the said road right-of-way in accordance with the said contract on or before the 1st day of November, 1933, and your writer thinks it was obligatory upon the State Highway Commission to submit such request to said interested landowners of Kenedy County asking them to furnish proper deeds to the said road right-of-way.

In the last paragraph of said Senate Concurrent Resolution No. 27 the "State Highway Commission of Texas . . . is . . . directed to use such funds as are now available for the immediate construction of said

road, provided that the Highway Commission is not authorized to give priority to this project over pending road projects." Now, if, as and when the deeds to the right-of-way through Kenedy County were furnished by the interested landowners of Kenedy County to the State Highway Department, it then became the duty of said State Highway Department to immediately use such funds as were then available for the immediate construction of the road through Kenedy County with due consideration, of course, to other pending road building projects. In this connection the question might be raised that since the State Highway Department, being an agency of the State of Texas, had a right to "take" private property for a public use, to-wit, the building of a State highway, the duty of the Highway Commission to proceed with the construction of the road was not contingent upon the furnishing of the deeds to the right-of-way by the interested landowners of Kenedy County. Since the furnishing of the deeds is so plainly and abundantly mentioned in the next to last paragraph of Senate Concurrent Resolution No. 27, it was manifestly the intention of the Legislature that the deeds to the right-of-way be first furnished and the construction proceed, rather than that the State proceed to "take" the property under its Constitutional authority without first procuring deeds because if the State should take the property under its Constitutional authority, it is hardly conceivable that the Highway Department would be required to request the interested landowners to have furnished deeds for the right-of-way. It is doubtful that such deeds would have been required.

At this point, the question might be raised as to why your writer considers that it was the intention of the Legislature, as expressed in Senate Concurrent Resolution No. 27, that the State Highway Engineer should proceed immediately to remove the cross-fences from said right-of-way and designate the middle line of same for such use as the public might desire to make thereof, pending the better improvement of said road right-of-way by the Highway Commission of Texas, and that the duty of the Highway Commission to proceed with the construction thereof was contingent upon the furnishing of deeds to

the said right-of-way by the landowners of Kenedy County. In this connection, it will be noticed that the language of Senate Concurrent Resolution No. 27 had the effect of commanding the State Highway Engineer to "immediately proceed to remove such cross-fences, etc.", but the language of said Resolution, so far as it commanded the State Highway Commission to proceed with the construction of such highway clearly requires the construction hereinabove placed thereon by your writer. It plainly appears that it was the intention of the Legislature as expressed in such Resolution that the State Highway Engineer proceed immediately, upon whatever authority, he might have, to remove the cross-fences, etc., but that the State Highway Commission was to proceed to a construction of said highway only, after the procurement of deeds.

Further, it will be noticed that the last paragraph of Senate Concurrent Resolution No. 27 reads as follows:

"Resolved, That the State Highway Commission of Texas be, and it is hereby directed to use such funds as are now available for the immediate construction of the said road."

The question might be raised, since the language "such funds as are now available" was included in the last paragraph of Senate Concurrent Resolution No. 27, that when the State Highway Commission of Texas had used "such funds as are now available" for the immediate construction of the road, that it had completely carried out the command of the Legislature of the State of Texas contained in said Senate Concurrent Resolution No. 27, and if, due to necessary expenditures on pending road projects or for other reasons, no funds "are now available" for the immediate construction of said road, the Resolution carried no command at all so far as the State Highway Commission is concerned. We do not think that this would constitute a proper construction of such language of said Senate Concurrent Resolution No. 27.

Looking to the printed communication, the Resolutions and Minute No. 8149½ of the State Highway Commission, we note that there has been much controversy about the construction of this proposed state highway through Kenedy County, Texas, and

it plainly appears that the Legislature of the State of Texas, by the passage of Senate Concurrent Resolution No. 27, intended to take effective steps to construct the proposed highway immediately, and to place a construction upon this clear command of the Senate to the State Highway Engineer and the State Highway Commission, that would nullify same, would be contrary to accepted canons of statutory construction. One of the basic rules of statutory construction is announced by the Supreme Court of Texas in the case of *Texarkana & Ft. Smith Ry. Co. v. Houston Gas & Fuel Co.*, 51 S. W. (2d) 284, at Page 287 in the following language:

"In construing statutes enacted directly by the Legislature it is the duty of the court to look to the entire act, including the caption, the body of the act, and even the emergency clause, to determine the legislative intent. When the legislative intent is once determined it is the law."

Therefore, bearing in mind, such fundamental rule of statutory construction and giving effect to all of the provisions of Senate Concurrent Resolution No. 27, considered in the light of the prior, connected circumstances, out of which its passage arose, we are inevitably driven to the conclusion that it was the intention of the Legislature of the State of Texas to appropriate for the immediate construction of the proposed highway through Kenedy County, Texas, all funds that were available for new highway construction at the time of the passage of such Resolution, giving due consideration to pending highway construction projects as well as all funds to thereafter become available for new highway construction until such proposed highway through Kenedy County was completed.

In this connection, it might be contended that the Legislature of the State of Texas has no authority to make an appropriation of the moneys of the State Highway Department by a concurrent resolution. We think that this question was definitely settled by the Supreme Court in the case of *Terrell v. King*, supra.

Trusting that this satisfactorily and sufficiently answers your inquiry, I beg to remain,

Yours very truly,
CURTIS E. HILL,
Assistant Attorney General.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 3, Inviting Governor James V. Allred to address a Joint Session of the House and Senate.

APPOINTMENT OF CERTAIN EMPLOYEES

The Speaker announced the appointment of the following employees:

PERMANENT EMPLOYEES

Secretaries to the Speaker

Mrs. Monta Ferguson, Mrs. Olga Bredt.

Secretary to Mr. Alsup
Ben Hooker

Stenographers

Nelda Boucher, Mabel Berry, Maurine Britt, Ben Ellen Cathey, Sarah Elizabeth Chamberlain, Mildred Currier, Dorothy Cover—half-time, Mrs. Helen Curry, Vivian Cline, Frances Ewbank, Eugena Emory, Ola Eldridge, Mrs. Frank Graves, Frances Gordon, Ruth Hogg, Marionell Harkrider, Herman B. Hill, Katherine Hodges, Mary Jeffers, Dorothy Faxon, Fay Davis, Elizabeth Kilburn, Lois Leeman, Gean LeTulle, Mrs. Margaret Morrow, Eudora Mitchell, Elizabeth McDonald, Catherine Pratt, Eldner Patterson, Delta Rapier, Marion Swor, Marie Schubert, Johnnie Mae Sayers, El Merle Stanford, Agatha Todara, Dorothy Ward, Madie Watson and Nan Randle—half-time.

Mrs. Hazel Latting, supervisor of Stenographers.

OATH OF OFFICE ADMINISTERED

Speaker Calvert stated that Honorable Walter E. Jones, Representative-elect of the Seventy-sixth Representative District, was present, and stated that the constitutional oath of office would now be administered to him.

Mr. Jones then came forward and took the constitutional oath of office, which was administered by Honorable Robert W. Calvert, Speaker.

HOUSE BILL NO. 1 WITH
SENATE AMENDMENTS

Mr. Hyder called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Hyder, the House concurred in the Senate amendments by the following vote:

Yeas—123

Adkins	Fox
Alsup	Fuchs
Amos	Hamilton
Baker	Hankamer
Beckworth	Hanna
Bell	Harbin
Blankenship	Hardin
Boethel	Harper
Bond	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Hartzog
Brown	Herzik
Burton	Holland
Callan	Hoskins
Carssow	Howard
Cathey	Huddleston
Celaya	Hull
Colquitt	Hyder
Davis of Haskell	Jackson
Davis of Jasper	James
Davisson	Johnson of Ellis
of Eastland	Johnson
Dean	of Tarrant
Deglandon	Jones of Angelina
Dickison	Jones of Atascosa
Dollins	Jones of Falls
England	Jones of Wise
Farmer	Kelt
Felty	King
Fielden	Knetsch

Langdon	Rhodes
Lankford	Riddle
Lanning	Roark
Leath	Ross
Leonard	Russell
Loggins	Rutta
London	Schuenemann
Lucas	Settle
Mauritz	Sewell
Mays	Shell
McConnell	Simpson
McCracken	Skaggs
McDonald	Smith of Hopkins
McFarland	Smith
McKee	of Matagorda
McKinney	Smith of Tarrant
Metcalfe	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Nicholson	Tennyson
Oliver	Thornberry
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Powell	Westbrook
Prescott	Winfree
Reader	Wood
Reed of Bowie	Worley
Reed of Dallas	

Absent

Alexander	Kern
Bates	Little
Boyer	Mann
Cagle	Petsch
Cleveland	Pope
Davison of Fisher	Quinn
Derden	Ragsdale
Gibson	Sharpe
Graves	Stevenson
Heflin	Weldon
Kenyon	

Absent—Excused

Keefe	Leyendecker
Keith	Newton

PROVIDING FOR A JOINT
SESSION TO COUNT
VOTES CAST FOR
GOVERNOR AND
LIEUTENANT
GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, Providing for a Joint Session to count votes cast for Governor and Lieutenant Governor.

Be It Resolved by the Senate of Texas, the House of Representatives

concurring, That the Senate and the House of Representatives meet in Joint Session at 3 p. m., January 14th, 1937, in the Hall of the House of Representatives for the purpose of counting the votes and certifying the election of the Governor and the Lieutenant-Governor.

The resolution was read second time, and was adopted.

BILL ORDERED NOT PRINTED

On motion of Mr. Weldon, House Bill No. 69 was ordered not printed.

HOUSE BILL NO. 69 ON SECOND READING

On motion of Mr. Weldon, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended at this time for the purpose of considering House Bill No. 69.

Mr. Weldon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 69 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adkins	Dollins
Alsup	England
Amos	Farmer
Baker	Felty
Beckworth	Fielden
Bell	Fox
Blankenship	Fuchs
Boethel	Graves
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bradford	Harbin
Bridgers	Hardin
Broadfoot	Harper
Brown	Harris of Archer
Burton	Harris of Dallas
Cagle	Harris of Dickens
Callan	Hartzog
Carssow	Hoskins
Celaya	Howard
Colquitt	Hull
Davis of Haskell	Hyder
Davis of Jasper	Jackson
Davison of Fisher	James
Davisson	Johnson of Ellis
of Eastland	Johnson
Deglandon	of Tarrant
Derden	Jones of Angelina
Dickison	Jones of Falls

Jones of Wise
Kelt
Kern
King
Lankford
Lanning
Leath
Leonard
Loggins
London
Lucas
Mann
Mauritz
Mays
McConnell
McCracken
McDonald
McFarland
McKee
Metcalf
Moffett
Monkhouse
Morris
Morse
Nicholson
Oliver
Palmer
Patterson of Mills
Patterson
of Travis
Petsch
Powell
Prescott

Quinn
Ragsdale
Reed of Bowie
Reed of Dallas
Rhodes
Riddle
Roark
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Shell
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stinson
Stocks
Talbert
Tarwater
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Winfree
Worley

Absent

Alexander	Kenyon
Bates	Knetsch
Cathey	Langdon
Cleveland	Little
Dean	McKinney
Gibson	Pope
Harrell	Reader
Heflin	Sharpe
Herzik	Stevenson
Holland	Tennant
Huddleston	Westbrook
Jones of Atascosa	Wood

Absent—Excused

Keefe	Leyendecker
Keith	Newton

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 69 ON THIRD
READING

The Speaker then laid House Bill No. 69 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Adkins	Hull
Alsup	Hyder
Amos	Jackson
Baker	James
Bates	Johnson of Ellis
Beckworth	Johnson
Bell	of Tarrant
Blankenship	Jones of Angelina
Boethel	Jones of Falls
Boyer	Jones of Wise
Bradbury	Kelt
Bradford	Kenyon
Bridgers	Kern
Broadfoot	King
Brown	Knetsch
Burton	Langdon
Cagle	Lankford
Callan	Lanning
Carssow	Leath
Cathey	Leonard
Celaya	Loggins
Cleveland	London
Colquitt	Lucas
Davis of Jasper	Mann
Davison of Fisher	Mauritz
Davison	Mays
of Eastland	McConnell
Dean	McCracken
Deglandon	McDonald
Derden	McFarland
Dickison	McKee
Dollins	McKinney
England	Metcalfe
Farmer	Moffett
Felty	Monkhouse
Fielden	Morris
Fox	Morse
Fuchs	Nicholson
Graves	Oliver
Hamilton	Palmer
Hankamer	Patterson
Hanna	of Travis
Harbin	Petsch
Hardin	Powell
Harper	Prescott
Harrell	Quinn
Harris of Archer	Ragsdale
Harris of Dallas	Reed of Bowie
Harris of Dickens	Reed of Dallas
Hartzog	Rhodes
Heflin	Riddle
Herzik	Roark
Hoskins	Ross
Howard	Russell

Rutta	Stocks
Schuenemann	Talbert
Settle	Tarwater
Sewell	Tennyson
Sharpe	Thornberry
Shell	Thornton
Simpson	Vale
Skaggs	Waggoner
Smith of Hopkins	Walker
Smith	Weldon
of Matagorda	Westbrook
Smith of Tarrant	Wood
Stinson	Worley

Absent

Alexander	Little
Bond	Patterson of Mills
Davis of Haskell	Pope
Gibson	Reader
Holland	Stevenson
Huddleston	Tennant
Jones of Atascosa	Winfree

Absent—Excused

Keefe	Leyendecker
Keith	Newton

INVOCATION OF REV. O. C.
ACREY

Mr. James offered the following resolution:

Whereas, Rev. O. C. Acrey rendered distinguished service on the occasion of the opening of this, the Forty-fifth Regular Session of the Texas Legislature, and

Whereas, His offering was of such unusual taste and beauty; be it

Resolved, That the Prayer of Invocation be reduced to writing and printed in the regular House Journal.

JAMES,
NEWTON,
HULL.

The resolution was read second time, and was adopted.

"Our Heavenly Father, vital and patriotic are the demands of legislation to which this body shall address itself shortly, but it would profane the holy impact of divine wisdom if the wheels of legislation were to begin their steady grind without our pausing to implore God's blessings upon this body in the undertaking of the next few months.

We would be ungrateful if we did not take this occasion to express gratitude to God for his gracious providence to create and preserve us first as a Republic, and now as a State in this glorious nation. We pray, our

Heavenly Father, that in grateful memory of those Texas pioneers and heroes, whose valiant and immortal spirits are enthroned in yonder citadel of eternity, we may be worthy of their broken bodies and shed blood.

As this great body now undertakes to perpetuate the ideals for which they fought in preserving the integrity of the Constitution, the majesty of the law, and personal and social sobriety, we pray that the cardinal tenet of their legislative creed shall be an unselfish stand for 100 per cent Americanism and an emancipated humanity; that as far as may be in their power, they prevent any autocracy or Godless and flagless Bolshevism from ever rooting in our precious land. May the patriotism of this body be stainless and loyal. May they keep state ideals pure and inviolate.

We pray, our Father, for a harmonious Session, free from bitter, narrow and partisan strife. May this body of men not hold their political and legislative views and practices in so jealous, divisive, and antagonistic a fashion as shall cause the State to suffer; but help this body to realize that holding high places of initiative, responsibility and leadership they must take into consideration the practices, rights, desires, and opinions of larger bodies of people.

As they face the grave problems of the State, we pray for the wisdom of God. Thou knowest, our Father, the need of wisdom in solving the problems of State. If this body is to legislate with any authority we pray that it may create the organ to accumulate, sift, and criticize the material necessary to the formation of reasoned judgments. May their study of problems be cogent, comprehensive, and patient.

And we close, our Father, with the petition that not only may they be given the knowledge necessary but the right motives; to realize that it is not enough to think clearly; but to act rightly; not enough to have the capacity to do good; but also the disposition to do good; that the development of right motives is an irreducible element in all legislation. Give this body clear discernment as to what those motives require in a given situation and may Thy will be made effective in stirring this body, in its corporate capacity, to appropriate legislation.

In the name of Jesus Christ, Our Lord. Amen."

ADOPTING JAMES ARTHUR HOLLAND MASCOT OF THE HOUSE

Mr. King offered the following resolution:

Whereas, The House of Representatives has heretofore selected and elected Miss Doris Marie James, as Queen of Mascots for the House of Representatives for the Forty-fifth Legislature; therefore, be it

Resolved, That James Arthur Holland, son of Hon. Arthur Holland, be hereby officially named by this House as Mascot for the House of Representatives for the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That his name be placed on the list and his picture appear in the group picture of the Members of this House.

KING,
LANNING.

The resolution was read second time, and was adopted.

ADOPTING HARRY LEE MCKEE MASCOT OF THE HOUSE

Mr. Walker offered the following resolution:

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-fifth Legislature; now, therefore, be it

Resolved, That Harry Lee McKee, Jr., son of our distinguished Member, Harry Lee McKee, Sr., of Port Arthur, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body.

WALKER,
LEONARD,
MORSE,
TENNYSON,
KNETSCH,
NICHOLSON,
QUINN.

The resolution was read second time, and was adopted.

TO PROVIDE FOR COMMITTEE
TO MAKE CERTAIN INVESTIGATION
IN REGARD TO THE
TEXAS GULF SULPHUR
COMPANY

Mr. Graves offered the following resolution:

H. C. R. No. 4, A resolution providing for an investigation by the Senate and the House of Representatives into the expenditures of Texas Gulf Sulphur Company, a corporation, its officers, agents, attorneys and employees, for "public relations" purposes; creating a special investigating committee, composed of two Members of the Senate and three Members of the House, defining its duties and powers, and appropriating \$2,500.00 out of the Contingent Expense Fund of the Forty-fifth Legislature.

Whereas, It has come to the attention of the House and Senate of Texas that the Texas Gulf Sulphur Company, a Texas corporation, its officers, agents, attorneys and employees, spent approximately \$173,000.00 in 1935, and substantially this amount in 1934 and 1936, for what it termed "public relations," in Texas alone, a considerable portion of which was spent in Austin during sessions of the Texas Legislature, largely listed as "miscellaneous" and "hotel expenses;" and a very considerable portion of which was expended by Roy Miller, its Public Relations Director, with only this voucher notation, "Reimbursement for Expenditures for Services"; and

Whereas, The Texas Gulf Sulphur Company does not have a sales organization or sell its products in Texas; and it has been publicly charged and not denied that this huge fund is spent annually to defeat taxation measures and for political purposes; and

Whereas, The General Manager of the Company testified under oath at a hearing before the Board of Equalization of Wharton County during July 1936 that Roy Miller alone knew for what purpose this money was spent and to whom paid; and the said Roy Miller, though first ordered and then invited, failed to appear and testify concerning such expenditures; and

Whereas, The expenditure of this large amount of money under the circumstances approaches a public

scandal, and unexplained involves the very integrity of the Texas Legislature; and

Whereas, An investigation of the facts is necessary to determine whether or not the anti-lobbying or other laws of Texas have been violated, and to determine the need, if any, for additional legislation; and

Whereas, Everett L. Looney, Attorney for Wharton County when these facts were developed, is thoroughly familiar therewith and his services may be available to this Legislature if desired free gratis; therefore, be it

Resolved by the Senate, the House concurring,

1. That the Presiding Officer of the Senate forthwith appoint two Members of the Senate, and the Speaker of the House shall appoint three Members of the House, one of whom shall be named as Chairman, to serve as a special committee to investigate the aforesaid expenditures in order that it may be determined if the law has been violated and what corrective legislation, if any, should be enacted.

2. That the sessions of said committee shall be held at Austin and shall be public; and said committee shall have full and complete authority to employ attorneys, auditors, shorthand reporters, and such other employees as it may deem necessary; and it shall have further power and authority to summon witnesses, issue subpoenas, subpoenas duce tecum, and attachments, such witnesses to be paid the same fees as now paid to such in the District Court, and all other writs and processes necessary to effect the purposes of this resolution, to compel the attendance of witnesses at its hearings to be held in Austin; to administer oaths to said witnesses and to punish for contempt.

3. And it shall further have the power and authority to compel the Texas Gulf Sulphur Company, a corporation, its officers, agents, attorneys and employees, to bring its books, records, documents, vouchers, memoranda and files to the hearings so held by the committee, and to submit the same at such hearings, and elsewhere, if and when ordered by the committee, for examination by the attorneys and auditors, employees and members of said committee.

4. For the purpose of deferring the necessary expenses incident to this

investigation, there is hereby appropriated out of the Contingent Expense Fund of the Forty-fifth Legislature the sum of \$2,500.00, or so much thereof as may be necessary.

The resolution was read second time.

Mr. Harris of Dallas moved that the resolution be referred to the Committee on Federal Relations.

Mr. Hankamer raised a point of order, on further consideration of the resolution at this time, on the ground that time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

RECESS

On motion of Mr. Reed of Bowie, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hoskins, Mr. Schuenemann and Mr. Johnson of Ellis:

H. B. No. 2, A bill to be entitled "An Act amending Articles 697 and 698 of the 1925 Revised Criminal Statutes of Texas by providing that it shall be the duty of the Attorney General to prosecute violations under said Articles for the penal offense committed or to prevent the violation of same by writ of injunction and by further providing in said Article 697 that the terms of same shall apply to all officers of municipal and private corporations; by amending Article 698 by defining persons who shall be charged with pollution; by defining the term pollutant; charging the Game, Fish and Oyster Commission with the duty of enforcing the provisions of said Article 698; etc."

Referred to the Committee on Game and Fisheries.

By Mr. Reed of Bowie and Mr. Hardin:

H. B. No. 3, A bill to be entitled "An Act to amend Chapter 472 of the General and Special Laws of the Second Called Session, Chapter 495 of the Third Called Session, of the Forty-fourth Legislature to provide a system of old age assistance, to establish certain funds for old age assistance, to make appropriations, to repeal all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Jones of Wise and Mr. Prescott:

H. B. No. 4, A bill to be entitled "An Act providing a title for the Act; providing for the imposition of a franchise tax; providing that certain corporations shall be exempt from the Act but requiring the exemption to be proven by the claimant; and repealing all existing exemptions or special credits; providing definitions for certain words, terms and phrases; providing certain deductions in computing net income; providing certain unallowable deductions; providing a method of computing the net income of insurance corporations; providing for the use of fiscal or calendar accounting periods; providing for the filing of returns by taxpayers; providing for the computation of the tax of new corporations; providing for the use of inventories in determining net income; providing a basis for ascertaining gain or loss either from sale, exchange or other disposition of property; providing procedure relative to installment sales; providing for the computation of a minimum tax; providing methods of allocating the net income and minimum tax base of a corporation; providing that Secretary of State shall have power to determine income or assets in special cases; providing for taxes when no return filed; providing for liability of receivers, liquidators, referees, trustees or other fiduciaries; providing for a tax lien; providing for penalties for failure to file return or failure to pay tax or the making of false returns; providing for suspension of right to do business where tax not paid; providing for revival of right to do business; providing for assessment of deficiency tax; providing for hearing by Secretary of State

and appeal to State Tax Board; providing that Attorney General shall sit as member of State Tax Board on appeals from Secretary of State; providing for examination by Secretary of State; providing for administration of Act by Secretary of State and appointment of Franchise Tax Commissioner; providing an appropriation of Ninety Thousand (\$90,000) Dollars; providing for computation for first year under this Act and providing first tax to be due May 1, 1937; providing for the repeal of all laws and parts of laws in conflict with this Act, and especially Chapter 3 of Title 122 of Revised Statutes of 1925, as amended; providing that the provisions of the Act are severable, and declaring an emergency, etc."

Referred to the Committee on Revenue and Taxation.

By Mr. Morse, Mr. Harris of Dallas and Mr. Jones of Falls:

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Reed of Bowie, Mr. Reader and Mr. Hardin:

H. B. No. 6, A bill to be entitled "An Act to amend Section 2 of Chapter 162, Acts, Regular Session of the 43rd Legislature, page 409, as amended by Chapter 12, Acts, First Called Session of the Forty-third Legislature, as amended by Chapter 495, Section Four, Article Four, House Bill No. 8, Third Called Session, Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Roark:

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall con-

sist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; providing for the creation of such divisions within the Department as the Board may deem necessary; providing that all the rights, powers and duties of the Division of Child Welfare, the Old Age Assistance Commission, and the Texas Relief Commission shall be transferred and conferred upon the State Board of Public Welfare; providing that the staff, records and physical properties of the Division of Child Welfare, the Old Age Assistance Commission and the Texas Relief Commission shall be transferred to the State Board of Public Welfare; abolishing the Old Age Assistance Commission and the Texas Relief Commission; accepting the provisions and benefits of the Federal Social Security Act of 1935; providing for the establishment of local units of administration in Counties or Districts; providing that Local Boards of Public Welfare may be established; providing for the custody and disbursement of all funds received by the State Department of Public Welfare; providing for the transfer of moneys in the Texas Old Age Assistance Fund to the credit of the Texas Old Age Assistance Fund created by this Act; providing for the transfer of moneys in the General Fund or any Special Fund credited to the Division of Child Welfare of the Board of Control, and the Texas Relief Commission, to the State Board of Public Welfare and providing for the expenditure thereof; making appropriation for paying additional expenses placed upon the Comptroller

of Public Accounts under the provisions of this Act; designating the State Board of Public Welfare as State Agent to cooperate with Federal Government in the administration of the provision of Title I, Title IV, Part 3 of Title V, and Title X of the Federal Social Security Act; providing for granting Old Age Assistance, Assistance to Blind Persons, Assistance to Dependent and Neglected Children and General Assistance to needy persons and families; providing for cooperation with the Children's Bureau of the United States Department of Labor in public services for the protection and care of homeless, dependent and neglected children; providing for the supervision and licensing of all institutions, boarding homes and agencies providing assistance, care or other direct services to dependent, neglected, and delinquent children, the aged, blind, feeble-minded, and other dependent persons; providing for the filing of applications for assistance under the provisions of this Act; providing for investigation of applicants for assistance, orders thereon, appeals and hearing therein; prescribing the method of determining the amount of assistance, if any, each applicant is entitled to under this Act; providing for the discontinuance of grants of assistance; providing that grants of assistance under the provisions of this Act shall be inalienable and not subject to civil process; providing for designation of local or district administrative units for administering general relief; designating the State Board as State Agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing that no person shall make any charge or receive any fee for representing any applicant or recipient of assistance under the provisions of this Act; providing that records of applicants or recipients under this Act shall be confidential; providing that the provisions of this Act shall not relieve any person from liability of maintaining and supporting his parent or parents or child or spouse; making provisions for recovery of assistance given any person in excess of amount to which such person is entitled to under the provisions of this Act; providing that all matters

and orders pending before or made by any officer or department or unit transferred under this Act to the Public Welfare Department shall be deemed to be continued in like status in such department; providing for the dissolution of County Child Welfare Boards established in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, fixing penalties for violations of the provisions of this Act; making appropriation for administrative costs; repealing all laws in conflict; providing a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Davisson of Eastland, Mr. McKee, Mr. Prescott and Mr. Newton:

H. B. No. 8, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; providing for the creation of such division within the Department as the Board may deem necessary; providing that all the rights, powers and duties of the Division of Child Welfare, the Old Age Assistance Commission, and the Texas Relief Commission shall be transferred and conferred upon the State Board of Public Welfare; providing that the staff, records and physical properties of the Division of Child Welfare, the Old Age Assistance Commission and the Texas Relief Com-

mission shall be transferred to the State Board of Public Welfare; abolishing the Old Age Assistance Commission and the Texas Relief Commission; accepting the provisions and benefits of the Federal Social Security Act of 1935; providing for the establishment of local units of administration in counties or districts; providing that local Boards of Public Welfare may be established; providing for the custody and disbursement of all funds received by the State Department of Public Welfare; providing for the transfer of moneys in the Texas Old Age Assistance Fund to the credit of the Texas Old Age Assistance Fund created by this Act; providing for the transfer of moneys in the General Fund or any Special Fund credited to the Division of Child Welfare of the Board of Control, and the Texas Relief Commission, to the State Board of Public Welfare and providing for the expenditure thereof; making appropriation for paying additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act; designating the State Board of Public Welfare as State Agent to cooperate with Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X of the Federal Social Security Act; providing for granting Old Age Assistance, Assistance to Blind Persons, Assistance to Dependent and Neglected Children and General Assistance to needy persons and families; providing for cooperation with the Children's Bureau of the United States Department of Labor in public services for the protection and care of homeless, dependent and neglected children; providing for the supervision and licensing of all institutions, boarding homes and agencies providing assistance, care or other direct services to dependent, neglected, and delinquent children, the aged, blind, feeble-minded, and other dependent persons; providing for the filing of applications for assistance under the provisions of this Act; providing for investigation of applicants for assistance, orders thereon, appeals and hearing therein; prescribing the method of determining the amount of assistance, if any, each applicant is entitled to under this Act; providing for the discontinuance of grants of assistance; providing that grants of

assistance under the provisions of this Act shall be inalienable and not subject to civil process; providing for designation of local or district administrative units for administering general relief; designating the State Board as State Agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing that no person shall make any charge or receive any fee for representing any applicant or recipient of assistance under the provisions of this Act; providing that records of applicants or recipients under this Act shall be confidential; providing that the provisions of this Act shall not relieve any person from liability of maintaining and supporting his parent or parents or child or spouse; making provisions for recovery of assistance given any person in excess of amount to which such person is entitled to under the provisions of this Act; providing that all matters and orders pending before or made by any officer or department or unit transferred under this Act to the Public Welfare Department shall be deemed to be continued in like status in such department; providing for the dissolution of County Child Welfare Boards established in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, fixing penalties for violations of the provisions of this Act; making appropriation for administrative costs; repealing all laws in conflict; providing a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Davisson of Eastland, Mr. Gibson, Mr. Tennyson, Mr. Celaya, Mr. Bradford and Mr. Tennant:

H. B. No. 9, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Howard, Mr. Morse, Mr. Thornton, Mr. Mauritz, Mr. Hanna, Mr. Hankamer, Mr. Riddle, Mr. Hyder, Mr. Boethel, Mr. Fox, Mr. Reader, Mr. Davis of Haskell, Mr. Roark, Mr. Heflin, Mr. Hoskins, Mr. Winfree, Mr. Moffett, Mr. Rutta, Mr.

Leonard, Mr. Fielden, Mr. McKinney, Mr. Celaya, Mr. McKee, Mr. Hartzog, Mr. Colquitt, Mr. Quinn, Mr. Settle, Mr. Harris of Dickens, Mr. Gibson, Mr. Leath, Mr. Pope, Mr. Jones of Wise, Mr. McFarland, Mr. Nicholson, Mr. Knetsch, Mr. Harris of Dallas, Mr. Mann, Mr. Jones of Falls, Mr. Vale, Mr. Schuenemann, Mr. Carsow, Mr. Patterson of Travis, Mr. Dickison, Mr. Little, Mr. Tennant, Mr. Holland, Mr. Burton, Mr. Kenyon, Mr. Adkins, Mr. Boyer, Mr. Reed of Dallas and Mr. Mays:

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the 44th Legislature which fixes the salaries of said judges, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Knetsch, Mr. Jones of Wise and Mr. Petsch:

H. B. No. 11, A bill to be entitled "An Act defining public utilities and providing for their regulation; creating the Public Utilities Commission of Texas, and fixing the qualifications, duties, powers and compensation of the members thereof; providing the jurisdiction of said Public Utilities Commission and the manner in which such jurisdiction shall be exercised; providing the manner of conducting proceedings before said Public Utilities Commission; providing the manner in which the said Public Utilities Commission may pass orders and providing for appeals from the same to the courts of this State; providing penalties for the violation of this Act; raising revenues and making appropriations to support said Commission; providing for the repeal of all laws and parts of laws in conflict herewith; providing that if any section, clause or other provision of this Act be held unconstitutional or otherwise invalid or unenforceable, such holding shall not affect the validity of the remaining portion of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Petsch and Mr. Knetsch:

H. B. No. 12, A bill to be entitled "An Act amending Article 650 and repealing Article 651 of the Code of Criminal Procedure as adopted by the Fortieth Legislature in the year 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 13, A bill to be entitled "An Act amending Article 710, Code of Criminal Procedure, 1925, permitting the defendant to testify and permitting comment upon the failure of the defendant to exercise such privilege and repealing Article 711, Code of Criminal Procedure heretofore mentioned, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch, Mr. Jones of Atascosa, Mr. Fielden and Mr. Knetsch:

H. B. No. 14, A bill to be entitled "An Act providing for the payment of Old Age Assistance in accordance with the Constitution of Texas, and providing for the classification and enrollment of applicants in accordance with their circumstances, and declaring the agencies through which this Act is to be administered; providing for the levy and collection of a general sales tax to raise revenues to pay Old Age Assistance; providing for the making of reports by taxpayers and prescribing rules and regulations for the computation and payment of the Old Age Assistance tax; providing the method of procedure against delinquent taxpayers and prescribing penalties for violation of the provisions of the Act; creating an Old Age Assistance Fund; repealing Articles I, II, and III of H. B. No. 8, Acts of the Forty-fourth Legislature, Third Called Session; amending Section 3, Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature as amended by H. B. No. 8, Third Called Session of said Forty-fourth Legislature; amending Article II, Section 5, Chapter 467, Acts of the Regular Session, Forty-fourth Legislature as amended by H. B. No. 8, Third Called Session of said Forty-fourth Legislature; amending Section 46, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legis-

lature as amended by H. B. No. 8, Third Called Session of the Forty-fourth Legislature; amending Section 6 of Article III, H. B. No. 8, Third Called Session of the Forty-fourth Legislature; allocating certain funds to the Old Age Assistance Fund, and certain funds to the Available School Fund and certain funds to the General Revenue Fund of the State; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Petsch and Mr. Knetsch:

H. B. No. 15, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish and maintain military training at said institution, and providing that said course of study may consist of various branches of the military service and authorizing the Board of Regents to enter into the contracts with the War Department of the United States for the establishment of the Reserve Officers' Training Corp at the University of Texas under the National Defense Act, and declaring an emergency."

Referred to the Committee on Military Affairs.

By Mr. Harris of Dallas, Mr. Thornton, Mr. Boyer, Mr. Morse, Mr. Harris of Archer, Mr. Stinson, Mr. Morris, Mr. Reed of Dallas, Mr. Colquitt, Mr. Alsup, Mr. Reader, Mr. Blankenship, Mr. Patterson of Travis, Mr. Hull, Mr. McFarland, Mr. Leonard, Mr. Mann, Mr. England, Mr. Harbin, Mr. Little, Mr. Jones of Falls, Mr. Dollins, Mr. Hanna, Mr. Leath, Mr. Langdon, Mr. Dickison, Mr. Newton and Mr. Hartzog:

H. B. No. 16, A bill to be entitled "An Act to add new sections to be known as Section 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 7, 15 and 17 of Senate Bill No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, which Act relates to the examination of applicants for operators or chauffeur's license; providing for certain exemptions; providing for the issuance of restricted license; providing for notice of change of address or name; providing for records to be kept by the Department;

providing authority of the Department to cancel license, suspend privileges of non-residents and report convictions and to suspend resident's license upon conviction in another State; providing for authority of Department to suspend or revoke license without preliminary hearing and providing for notice to licensee and for hearing upon request; providing for the period of suspension or revocation and the surrender and return of license and badge; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended, or revoked; and making it unlawful to commit certain other acts; providing for the State Highway Patrol to act as agent for the Department and conduct examination of applicants; providing for Court to forward license to Department and report convictions and defining conviction; providing for the right of appeal to Courts when license denied or canceled, suspended or revoked by Department except where such cancellation or revocation is mandatory; repealing all laws or parts of laws in conflict herewith, providing a saving clause, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Morse:

H. B. No. 17, A bill to be entitled "An Act to amend Articles 195 and 196, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

Referred to the Committee on Congressional and Legislative Districts.

By Mr. Jones of Wise, Mr. Thornton, Mr. Thornberry, Mr. Little, Mr. Carsow, Mr. Howard and Mr. Morse:

H. B. No. 18, A bill to be entitled "An Act to fix the salaries of the judges of the several Courts of Civil Appeals of this State; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature, which fixes the salaries of the above named judges, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Quinn:

H. B. No. 19, A bill to be entitled "An Act providing that all persons, firms, partnerships or corporations using coupons, chips, scrip, punchouts, store orders, or other evidence of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded redeem the same in the hands of such laborer employee or bona fide holder in good and lawful money of the United States; provided, the same is presented and redemption demanded of such person, firm, partnership or corporation using same as aforesaid, at a regular pay-day, such redemption to be at the face value of scrip, chips, punchouts, coupons, store orders or other evidence of indebtedness; provided, further, said face value shall be in cash the same as its purchasing power in goods, wares and merchandise at the commissary store or other repository of such persons, firms, partnerships or corporations aforesaid; and providing penalties for failure to redeem, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Quinn:

H. B. No. 20, A bill to be entitled "An Act relating to the setting, trial and appeal of all personal injury cases; providing that such cases shall take precedence on the docket of the trial and appellate courts, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Quinn:

H. B. No. 21, A bill to be entitled "An Act to regulate the hours of service of the drivers of motor vehicles being operated by motorbus companies transporting passengers for hire and motor carriers transporting property for hire over the highways of this State; providing and making it unlawful for vehicles being operated and manned with only one driver either in the transportation of property or persons by virtue of certificates or permits issued by the Railroad Commission of Texas when a greater period of time than eight (8) hours is required to arrive at destination traveling at the rate of speed prescribed by law for the class of vehicle being operated; providing and defining the violations which constitute separate offenses; providing that violations of the

provisions of said Act shall constitute a misdemeanor; and providing a minimum fine of Twenty-five (\$25.00) Dollars and a maximum fine of One Hundred (\$100.00) Dollars; placing the venue for prosecution for any violation either in the county of the defendant's residence, or in any county through which such vehicle is being operated at the time of apprehension; making it the duty of all peace officers, including Texas Rangers and State Highway Patrolmen, to apprehend, arrest and file complaints for such violation; and providing that such officers may arrest for such violations without warrant, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Thornton and Mr. Kenyon:

H. B. No. 22, A bill to be entitled "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said City so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of ten years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Morse:

H. B. No. 23, A bill to be entitled "An Act to amend Senate Bill 29, Chapter 13, Section 8, Fourth Called Session, Forty-first Legislature, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Fuchs:

H. B. No. 24, A bill to be entitled "An Act reciting the existing conditions of the farm, grazing and different lands of the State of Texas; determining the consequences of soil erosion and depletion of the fertility of the soil; reciting appropriate corrective methods; declaring the policy of the Legislature; defining certain words and phrases used in the Act; creating the State Soil Conservation

Board; providing the method of selection of officer of said Board; providing for the employment of an executive officer and other agents and employees as may be required; providing for a treasurer of said Board who shall be under bond; providing for the qualifications, duties, and compensation of such employees as are required by said Board; fixing the location of the office of the State Soil Conservation Board; providing the powers and duties of the State Soil Conservation Board; providing an appropriation for the use of said State Soil Conservation Board; creating County Soil Conservation Districts; designating who shall serve as officers of the respective County Soil Conservation Districts; providing for a treasurer of each County Soil Conservation District and fixing the bond therefor; prescribing the powers and duties of the County Soil Conservation Districts among other powers, permitting the issuance of bonds by said County Soil Conservation Districts and prescribing the procedure therefor; repealing House Bill No. Thirteen (13), Forty-second Legislature, Regular Session; repealing Senate Bill No. Two Hundred Twenty-seven (227), Forty-fourth Legislature, Regular Session; providing that if any portion of the Act be held unconstitutional the remaining portion shall not thereby be affected; providing, that in the event any provision of this Act be in conflict with the provision of any law already existing that this Act shall be controlling, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Fuchs:

H. B. No. 25, A bill to be entitled "An Act prohibiting the State Highway Department or its agencies to change the natural course of water shed on highways so as to divert upon privately owned property adjacent to such highways, unless the owner of such property has given his consent thereto in writing permitting adjacent landowners to divert water from their own lands or to the public roads and highways of this State under certain conditions."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Fuchs:

H. B. No. 26, A bill to be entitled "An Act permitting abutting property owners along the public roads and highways of this State to cut any grass or grasses, and to cut or destroy any obnoxious weed and/or weeds growing along the right of way of any public road or highway of this State."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Settle:

H. B. No. 27, A bill to be entitled "An Act levying an occupation tax on any person, firm, corporation or association pursuing the occupation of importing beer into this State for the purpose of re-sale; providing that any person, firm, corporation or association engaged in such an occupation shall make certain reports to the Comptroller of Public Accounts; providing penalties for the violation of the provisions of this Act; providing that the taxes and penalties shall be recovered by suit brought by the Attorney General and placing venue of such suits in Travis County; providing that the Comptroller of Public Accounts shall receive the reports, and taxes herein; providing for and defining his powers and duties; provided that common carriers shall transport beer into this State only when consigned to importer who has paid the tax herein levied; providing a penalty; defining certain terms; declaring the Act to be severable; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Settle:

H. B. No. 28, A bill to be entitled "An Act repealing Chapter 10 of the laws of the Forty-third Legislature, First Called Session, being House Bill No. 12, Pages 32-41 of the General and Special Laws of the Forty-third Legislature, First Called Session, and re-enacting Articles 645, 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, to prohibit the buying and selling of pools or receiving or making bets on horse racing, and to provide a penalty for its violation, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Settle:

H. B. No. 29, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the Comptroller of Public Accounts in connection therewith, and prescribing penalties for the violation thereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Felty, Mr. Carssow, Mr. Dickison, Mr. McCracken, Mr. Reader and Mr. Hoskins:

H. B. No. 30, A bill to be entitled "An Act making an appropriation of the sum of Thirty Thousand Dollars (\$30,000) out of any funds in the State Treasury, not otherwise appropriated, for the purpose of erecting a suitable Mausoleum or Monument for the remains of the heroes of the Alamo, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Felty, Mr. Hoskins, Mr. Petsch and Mr. McCracken:

H. B. No. 31, A bill to be entitled "An Act requiring a resident fishing license of those who fish in the fresh waters of this State, excepting those under seventeen (17) years of age and excepting those holding an Artificial Lure License or a Commercial Fishing License; providing the cost of such license and the fee to be retained by the collecting officer; providing a valid date of such license; providing for disposition of funds derived from the sale of such license and the use of same; providing suitable penalties for violations of the provisions of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Felty, Mr. Hoskins, Mr. McCracken and Mr. Petsch:

H. B. No. 32, A bill to be entitled "An Act requiring a General Hunting License, a Small Game License and a County Hunting License before indulging in certain hunting privileges; fixing the fees to be paid for such licenses; providing that no hunting license shall be required of per-

sons under fifteen (15) years of age or of any person hunting on the property on which he resides; providing that the owner of any dog used for certain hunting purposes shall procure a tag for such dog before permitting the use of same for hunting, fixing the price for such tag; providing for reports on game killed by each holder of a hunting license; providing for disposition of funds collected under the provisions of this Act; repealing all laws in conflict with this Act; providing for suitable penalties and forfeitures for violation of any provision of this Act; providing the rule of construction, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Felty:

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties; providing a penalty for any violation of this Act; repealing all general or special laws, in so far as they conflict with this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Felty and Mr. McCracken:

H. B. No. 34, A bill to be entitled "An Act providing that it shall be unlawful to kill, take or possess any of the game birds, game animals, fur-bearing animals or fish of this State, except in compliance with regulations promulgated by the Game, Fish and Oyster Commission; providing that the Game, Fish and Oyster Commission shall make adequate investigations to determine from time to time conditions affecting the game birds, game animals, fur-bearing animals or fish of this State; providing the facts that shall be determined from such investigations and that on the basis of such facts regulations shall be pro-

mulgated for the taking and conservation of the game birds, game animals, fur-bearing animals and fish of this State, in the State as a whole or in any portion of same; providing the methods of issuing such proclamations; repealing all laws regulating the taking, killing or possessing of game birds, game animals, fur-bearing animals or fish; providing suitable penalties for violation of this Act or any regulation issued hereunder; providing that any regulations issued under the provisions of this Act shall be deemed valid until proven otherwise, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Harris of Dallas:

H. B. No. 35, A bill to be entitled "An Act to amend Section 9 of H. B. No. 303, Chapter 245, page 856, Acts of the Regular Session, Forty-third Legislature of the State of Texas, so as to require a certain mortuary fund and regulate the expending thereof, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Stinson, Mr. Reader, Mr. Newton, Mr. Davis of Haskell, Mr. Smith of Tarrant, Mr. Colquitt, Mr. Heflin, Mr. Amos and Mr. Harris of Dallas:

H. B. No. 36, A bill to be entitled "An Act amending Article 752 of Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature; and amending Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature, and declaring certain legislative intent in respect to this Act, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Stinson, Mr. Hyder, Mr. Howard, Mr. Beckworth, Mr. Smith of Tarrant, Mr. Newton, Mr. Johnson of Tarrant, Mr. Hull, Mr. Hanna, Mr. Harris of Dallas and Mr. Tennyson:

H. B. No. 37, A bill to be entitled "An Act amending Article 2484, Revised Civil Statutes of 1925; as

amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, requiring certain reports to be made to the Banking Commissioner, and prescribing the time for filing such reports; the fees therefor; prescribing penalty for failure to file; exempting such associations from all franchise or other license tax, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Stinson:

H. B. No. 38, A bill to be entitled "An Act amending Section 3, of Senate Bill No. 247, Chapter No. 158, page No. 400, Acts of the Regular Session of the Forty-third Legislature, 1933, as amended by House Bill No. 502, Chapter 121, page 328, Acts of the Regular Session of the Forty-fourth Legislature, empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children; and to cooperate with the Department of Education in providing equipment for and instruction of same and providing for medical and surgical services by physicians and dentists approved by the State Board of Health and the minimum fees to be paid for such services; authorizing such Division to organize and supervise diagnostic clinics and to approve and select physicians, and dentists in certain cases; fixing qualifications thereof; authorizing such Divisions to select and designate hospitals approved by the Board of Control for the care of crippled children and do such other things necessary to accomplish purposes of this Act; providing the Board of Education may provide transportation, appliances, braces and other materials necessary in proper handling of crippled children; directing such Division to provide rules and regulations to be approved by the Department of Education for charges for hospital, medical, surgical, nursing and all other services contemplated in carrying out purposes of this Act; and limiting such charges, and declaring an emergency."

Referred to the Committee on Education.

By Mr. England:

H. B. No. 39, A bill to be entitled "An Act regulating and restricting

the hours within which a person shall be permitted to operate a truck upon the highways of the State; repealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. England, Mr. Riddle, Mr. McKee, Mr. Thornton, Mr. Morris and Mr. Metcalfe:

H. B. No. 40, A bill to be entitled "An Act making an appropriation of the sum of \$611,672.28, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the apportionment to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6 of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hankamer, Mr. Harris of Dallas and Mr. Dollins:

H. B. No. 41, A bill to be entitled "An Act to prohibit the holding of unlicensed greyhound race meetings; to provide for a State Greyhound Racing Commission, prescribing its powers and duties, and to fix the compensation of its members; to provide for licensing and taxing such racing and apportioning the monies derived therefrom; to provide for and regulate the making of pari-mutuel pools within the enclosure of licensed greyhound race tracts; providing certain penalties for the violation of this Act, and for other purposes relating thereto."

Referred to the Committee on State Affairs.

By Mr. Patterson of Travis and Mr. Thornberry:

H. B. No. 42, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of 1925 so as to make the same applicable to counties having three or more District Courts; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Farmer:

H. B. No. 43, A bill to be entitled "An Act to provide for the investigation and study of wages paid to men,

women, and minors employed in trade, business, and industry in the State of Texas; and for the determination and establishment of minimum fair wage standards for such workers; and for the purpose of preventing unfair and oppressive exploitation of such workers; providing for appeal; providing for suit by employees for wages; and providing for the enactment of such measure in detail for its enforcement; setting up the salary of the director and assistants; providing for penalties for the violation of the law; and for other purposes, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Farmer and Mr. James:

H. B. No. 44, A bill to be entitled "An Act amending Article 7046 of the Revised Civil Statutes of the State of Texas for 1925, providing that a poll tax of One (\$1.00) Dollar only, shall be collected on every person between the ages of 21 and 60 years, making certain exceptions; and declaring that no poll tax shall be levied for general revenue purposes, and that no county shall levy a poll tax, and providing where unorganized counties may pay, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Farmer, Mr. Smith of Tarrant, Mr. Hull and Mr. James:

H. B. No. 45, A bill to be entitled "An Act providing for the repeal of Section 5d of Article III of the House Bill No. 8 enacted at the Third Special Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Farmer and Mr. Amos:

H. B. No. 46, A bill to be entitled "An Act to amend Chapter 2 of Title 19 of the Penal Code of the State of Texas for 1925; adding thereto five new Articles to be numbered 1632, 1633, 1634, 1635 and 1636; providing for the regulation of the quality and pressure of natural gas to be sold and delivered to consumers by all persons, firms, associations, or corporations engaged in the business of distributing such products in Texas; prohibiting the dilution of natural

gas; setting lawful standards; declaring this Act to be cumulative of all other Acts regulating the quality and pressure of natural gas and providing a penalty for the violation thereof, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Farmer:

H. B. No. 47, A bill to be entitled "An Act providing for the repeal of Senate Bill No. 294 and known as Chapter 64 at page 152 of the General Laws of the Regular Session of the Forty-fourth Legislature, wherein it was provided that school trustees in independent school districts having within their boundaries a city with a population of not less than 160,000 or more than 220,000, should be elected for a period of six years and providing among other things for the filling of vacancies and the holding of elections; repealing all laws and parts of laws (general or special) in conflict with that Act, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Farmer, Mr. Cathey and Mr. Reed of Bowie:

H. B. No. 48, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas, placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for applications by those entitled to old age assistance and the hearing of same by the county judge of the county wherein the applicant resides; and providing for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by the applicants therefor and the necessary information required; providing for the investigation of such applications and the order thereon, for appeal to the Commission and courts and hearings therein; providing for the amount of assistance to be paid to applicants and the method of paying same; pro-

viding for discontinuance of grants of assistance; fixing penalties for the violation of this Act; creating an Old Age Assistance Fund; appropriating from the Old Age Assistance Fund the sum of Fifteen Million Dollars (\$15,000,000.) or so much thereof as may be necessary for the payment of assistance grants, and providing for expenses in connection with the administration of this Act; providing for gifts and assignments of money, insurance benefits or other property for the benefit of the Old Age Assistance Fund; providing that grants of old age assistance shall be inalienable and not subject to civil process; making provision for recovery, if on the death of a recipient he had property in excess of the amount allowed by this Act; providing for cooperation between the Texas Old Age Assistance Commission and the Federal Social Security Board; providing for attorney fees and penalties for excessive charges; defining a needy person; providing for funeral expenses of a deceased recipient; providing for the protection of those incapable of taking care of themselves; providing for reports annually by the Commission and the publication of a handbook; providing for the transfer of the administration of old age assistance from the Board of Control to the Old Age Assistance Commission under this Act, and also the transfer of funds; expressly repealing Article I and Article II, of House Bill No. 8 of the Third Called Session of the Forty-fourth Legislature; and amending Sections 4 and 8 of Article IV of House Hill No. 8 providing for taxes on crude oil and natural gas to secure funds for the Old Age Assistance Fund; providing a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Johnson of Tarrant, Mr. Hull, Mr. Stinson, Mr. Reed of Dallas, Mr. Hanna, Mr. Harris of Dallas, Mr. Calvert, Mr. Thornton, Mr. Keefe, Mr. Tennant and Mr. Dollins:

H. B. No. 49, A bill to be entitled "An Act amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of The North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to The North Texas Agricultural, Mechanical

and Industrial College at Arlington, and amending Article 2621 of the Revised Civil Statutes of 1925, providing a four-year course of study for said college, and declaring an emergency."

Referred to the Committee on Education.

By Mr. McConnell:

H. B. No. 50, A bill to be entitled "An Act to amend an Act of the Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque Counties, being Chapter 22, Special Laws, 1903, as amended by Chapter 19, Special Laws, 1913, and further amended by Chapter 12, Special Laws of the Forty-first Legislature, Second Called Session in 1929, as further amended by Chapters 12 and 13, Special Laws of the Forty-first Legislature, Fourth Called Session in 1930, by adding thereto seven new sections, to be known as Sections 13, 14, 15, 16, 17, 18 and 19, authorizing Palo Pinto County to fund or refund the indebtedness outstanding against its road and bridge fund as of October 12, 1936; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of Palo Pinto County, and the officers of said county, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges, and general laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Morse:

H. B. No. 51, A bill to be entitled "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Huddleston and Mr. Hardin:

H. B. No. 52, A bill to be entitled "An Act amending Article 7046 of the Revised Civil Statutes of the State of Texas of 1925, providing that a poll tax of One (\$1.00) Dollar only, shall be

collected on every person between the ages of 21 and 60 years, making certain exceptions; and declaring that no poll tax shall be levied for General Revenue purposes, and that no county shall levy a poll tax, and providing where unorganized counties may pay, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bradbury, Mr. Harrell and Mr. Graves:

H. B. No. 53, A bill to be entitled "An Act repealing Chapter 10 of the Laws of the Forty-third Legislature, First Called Session, being House Bill No. 12, pages 32-41 of the General and Special Laws of the Forty-third Legislature, First Called Session, and reenacting Articles 645, 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, to prohibit the buying and selling of pools or receiving or making bets on horse racing and to provide a penalty for its violation, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell, Mr. Sharpe, Mr. Bradford and Mr. Bates:

H. B. No. 54, A bill to be entitled "An Act amending Article 6819 of Title 117 of the Civil Statutes of Texas, and amending the Acts of 1935, of the Legislature of the State of Texas as contained in Chapter 355 at page 908 of the Acts of the Forty-fourth Legislature in paragraph No. 1 thereof, and fixing the salaries of the District Judges of the State of Texas, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Alsup and Mr. Kern:

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the County Board of Trustees out of the State and County Available School Fund, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Alsup:

H. B. No. 56, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County

Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Reader, Mr. Mann, Mr. Smith of Matagorda and Mr. Hamilton:

H. B. No. 57, A bill to be entitled "An Act to regulate the practice of pharmacy; repealing Chapter 8, Title 71, Revised Civil Statutes of 1925, Chapter 107, Acts of Regular Session of the Forty-first Legislature, page 242, H. B. No. 356, Chapter 98, Acts of the Regular Session of the Forty-fourth Legislature; creating a State Board of Pharmacy; providing for the appointment of its members, their term and tenure of office and their compensation; defining the duties and powers of the Board; providing for all monies now or hereafter collected by the Board to be placed in a special fund in the State Treasury to be known as 'The Board of Pharmacy Fund', and providing for expenditures and disbursements from such funds; providing for meetings of the Board; providing for the licensing of pharmacists, requiring renewal registration annually; providing a fee therefor; regulating the distribution, compounding, manufacture, and/or sale of drugs, medicines, cosmetics, biologicals, antitoxins, vaccines, serums or ampuls in the State of Texas; prescribing the qualifications of applicants for licenses and providing for examination fees; providing for the revocation of licenses; providing for registration of pharmacies, laboratories, and factories, requiring renewal permits annually, and prescribing a fee therefor; providing for judicial review of the orders of the Board; prohibiting the registration or issuance of permit until certain conditions shall have been complied with; declaring it unlawful for any proprietor, owner, manager or agent of certain pharmacies, laboratories or factories to fail or neglect to place in charge a registered pharmacist or to permit the compounding of prescriptions or the vending of drugs or medicines in violation of the provisions of this law in his place of business; de-

claring it unlawful for any person to impersonate an applicant for registration or license, or to fraudulently acquire a license in any other manner than provided for in this Act; providing that any person violating any provision of this Act shall be guilty of misdemeanor and providing a penalty upon conviction; providing it shall be unnecessary in any complaint, indictment or information to negative the exceptions contained in this Act; providing for a registered pharmacist to give notice of change of address; defining certain terms; inserting a savings clause; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Reader, Mr. James, Mr. Smith of Tarrant, Mr. Mann, Mr. Hamilton, Mr. Harris of Dickens, Mr. Stocks, Mr. Howard and Mr. Smith of Matagorda:

H. B. No. 58, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms, and declaring an emergency."

Referred to the Committee on Commerce and Manufactures.

By Mr. Reader, Mr. Dickison, Mr. Carssow, Mr. McCracken and Mr. Felty:

H. B. No. 59, A bill to be entitled "An Act to amend Article 2968, Revised Civil Statutes of 1925, as amended by Chapter 51, Acts of the 41st Legislature, First Called Session, providing for the issuance of Poll Tax Exemption Certificates, prescribing the form, the time of issuing, and the method of transferring same; providing for the numbering of certificates; repealing Chapter 292, Acts of the Forty-fourth Legislature, Article 2969, Revised Civil Statutes of 1925, and all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Vale, Mr. Leonard and Mr. Celaya:

H. B. No. 60, A bill to be entitled

"An Act to exclude that portion of the Santo Domingo plantation within the boundaries of Starr County Water Control and Improvement District Number One from said District, providing for the payment by the owners of said land of the proportionate part of said District's outstanding indebtedness against same, the manner of paying such proportionate part of said indebtedness, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Settle and Mr. James:

H. B. No. 61, A bill to be entitled "An Act amending House Bill No. 189, Acts, Regular Session, Forty-fourth Legislature, as amended by Acts, Second Called Session, Forty-fourth Legislature, House Bill No. 127, Chapter 469, Section 4b thereof, providing a quorum for the Board and that said Board may prescribe necessary rules and regulations for its own conduct and for the enforcement of the provisions of this law by amending Section 10a of said Bill authorizing the State Board of Cosmetology, with the approval of the State Board of Health to prescribe sanitary rules to prevent the spread of contagious diseases, providing regulations for owners or managers of hairdressing and cosmetical shops or schools of beauty culture, declaring it unlawful for any person to practice as a hairdresser except in the homes of customers and bona fide beauty shops, declaring the establishment of home beauty shops unlawful; amending Section 11a thereof regulating the requirement of beauty schools and requiring a school term of not less than 1500 hours to be completed in not less than nine months; amending Section 11 by adding thereto Section 11b providing for the qualifications of instructors; amending Section 14 by adding Section 14a and 14b providing that only graduates from a licensed beauty school may be admitted to examination by the Board requiring two years high school education in an accredited high school for applicants; amending Section 18 by adding thereto Section 18d providing for an inspection fee for all new schools making it unlawful for a person to operate or manage a beauty shop unless they have held a license as an operator in the State for a period of not less than two years;

amend Section 21-A by adding another Section 21-B making it unlawful for a cosmetical establishment to employ anyone except licensed operators, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Settle:

H. B. No. 62, A bill to be entitled "An Act to define, regulate, license, and tax itinerant merchants by motor vehicle; to appropriate the revenues derived from license fees and taxes; to provide for the administration and enforcement of this Act by the Railroad Commission of the State of Texas, and the grounds upon which the Railroad Commission can refuse to issue, or can revoke, a license; to require for the public insurance protection from damage sustained as the result of the negligent operation of vehicles by itinerant merchants by motor vehicles; to require bonds for the protection of the public and for security for payment of taxes; to declare violation of this Act a nuisance; to provide criminal penalties and civil liabilities for violation hereof, and to declare an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. England:

H. B. No. 63, A bill to be entitled "An Act amending Section 6, Article III, House Bill No. 8, of the Third Called Session of the Forty-fourth Legislature; defining certain words, terms and phrases; imposing a tax on the amount paid for admission to any place with the exceptions and fixing the amount of the tax; providing that persons subject to said tax shall file reports with and remit the tax to the Comptroller and describing information to be contained in said reports; authorizing the Comptroller to collect tax from persons required to make daily reports at the time such admission fees are received by said persons; requiring every operator of a place of continuous performance to keep certain records open to the inspection of the Comptroller and the Attorney General for a period of one (1) year; exempting certain institutions, societies and organizations from the tax levied herein; prescribing the manner of printing admission tickets; providing that the tax levied shall be a joint

liability of the owner and operator of any place where an admission fee is charged and prescribing civil penalties for failure of such persons to pay said tax; providing that the State shall have a prior lien for delinquent taxes and penalties due by any such owner and/or operator which shall be recovered by suit filed by the Attorney General and providing said persons may be enjoined from operation until the tax has been paid, making it a misdemeanor and prescribing penalties for certain violations of the Act and enumerating such violations; making it the duty of the Comptroller to supervise and enforce the collection of the tax and requiring persons subject to said tax to supply him with records and information necessary to compute such tax; vesting the Comptroller with power to promulgate rules and regulations and appropriating funds for the enforcement of the Act; allocating the revenue derived from the Act; preserving taxes, penalties and interest accruing from any amended provisions set out in the Act before the effective date thereof; providing that if any portion of this Act is held invalid or unconstitutional such decision shall not affect the remaining portions of the Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hull:

H. B. No. 64, A bill to be entitled "An Act creating a Department of Vending Device Licenses in the Comptroller's Department; providing a director of said Department; providing for necessary deputies and their salaries; prescribing the duties of the Comptroller and the director and deputies with reference to the Department of Vending Device Licenses; providing authority for the enforcement of the provisions of this Act; providing for the issuance of licenses for the lawful operation of vending devices; providing for the seizure of unlicensed coin-operated devices; providing for the prosecution of violators of the Coin Vending Machine Act in event of failure of local authorities to act; providing for inspection of machines by the Comptroller of Public Accounts or his deputies; providing a tax upon coin-operated vending devices and for the collection thereof;

providing for the revocation of any license issued by the Comptroller for the operation of any coin-operated vending device; providing qualifications for applicants for license to operate any coin-operated vending device; providing a form of said licenses; providing a definition of coin-operated vending machines; providing for an appeal from the decision of the Comptroller to the District Court of Travis County; making an appropriation for the enforcement of this Act; providing a penalty for violation of said Act; providing for the disposition of the funds collected under the Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Thornton:

H. B. No. 65, A bill to be entitled "An Act making an appropriation of Nine Thousand (\$9,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to the State Tax Board to pay the expenses of the supervisory staff of the State-Wide Tax Survey now being conducted in this State as a Works Progress Administration project, as approved by House Concurrent Resolution No. 5, passed by the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 66, A bill to be entitled "An Act to amend Article 4913 of Chapter Ten of Title 78, Revised Civil Statutes of Texas, 1925, by adding provision that all policies of Workmen's Compensation Insurance shall contain endorsement as to the method of determining dividends and assessments, if any, prohibiting more than one plan of operation by any one company or association; prohibiting discrimination between policyholders, and providing for invalidity of agreements made contrary to the terms hereof and that violation of the terms hereof shall be cause for revocation of license to write Workmen's Compensation Insurance; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Knetsch:

H. B. No. 67, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term, 'compensation and hire' shall not include vehicles transporting goods owned by the owner of such vehicle."

Referred to the Committee on Highways and Motor Traffic.

By Mr. James, Mr. Hardin and Mr. Patterson of Travis:

H. B. No. 68, A bill to be entitled "An Act amending Title 11, Chapter 6, Articles 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, Revision of 1925, so as to prohibit the buying and selling of pools or bookmaking on any horse race outside of an enclosure duly licensed by the Racing Commission of Texas; making certain acts prima facie evidence of a violation thereof; prohibiting the use of any property outside of an enclosure duly licensed by the Racing Commission of Texas for selling pools or bookmaking on horse races and providing what constitutes prima facie evidence of a violation thereof; prohibiting the furnishing of means of communication to persons using property other than an enclosure duly licensed by the Racing Commission of Texas for bookmaking or pool selling and providing what constitutes prima facie evidence of a violation thereof; providing penalties for the violation of the several sections of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Cathey:

H. B. No. 70, A bill to be entitled "An Act defining certain terms, levying a tax upon persons, firms, and corporations transacting business as security and/or commodity brokers; providing that each person, firm or corporation subject to such tax shall make reports and pay the tax in accordance with the provisions of Article

7058, Revised Civil Statutes, 1925, as amended; allocating certain funds to the Available School Fund and to the Old Age Assistance Fund; declaring the Act to be severable; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Cathey and Mr. James:

H. B. No. 71, A bill to be entitled "An Act to define, license and regulate loan brokers, and the business of loan brokers in amounts of from \$50.00 to \$500.00, secured or unsecured; providing for a license fee; providing that application for license shall be in writing under oath; providing for an occupation tax; providing for the appointment of an agent to accept service in certain suits; providing for service upon the county judge in certain suits, whether such loan brokers are licensed or not licensed; providing for the filing of a bond by loan brokers for the use of any and all persons who may have cause of action under this Act; declaring usurious contracts within the scope of this Act to be unlawful and against public policy and void as to interest only; providing additional penalty for usury collected or paid; providing for an attorney's fee in actions for recovery of damages for usury under this Act; requiring the joinder and signature of the wife on certain documents when given by a married man as security for a loan of money or purchase of wages or salary, or other transaction, under this Act; requiring loan brokers to keep certain records; and providing that certain persons may examine said records; and providing that said records may be used as evidence in certain suits against said loan brokers; requiring loan brokers to deliver statement of transaction to person doing business with such loan broker; requiring loan brokers to give certain receipts for money collected; exempting certain persons, co-partnerships, associations and corporations from the provisions of this Act; providing that if any part or provision of this Act shall be adjudged unconstitutional or invalid, that the remainder shall remain in full force and effect thereafter; providing punishment for violations of this Act; to repeal Senate Bill No. 7 of Acts of 1915, Thirty-fourth Legislature, Regular Session, page 48, Chapter 28; to repeal Senate Bill No.

32 of the Acts of 1917, Thirty-fifth Legislature, First Called Session, page 59, Chapter 37; to repeal House Bill No. 122 of the Acts of 1927, Fortieth Legislature, First Called Session, page 30, Chapter 17, and to repeal all Acts and parts of Acts, whether general or special, or local, which relate to the same subject matter as this Act; insofar as they are inconsistent with provisions of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Alexander, Mr. Celaya and Mr. Tarwater:

H. B. No. 72, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Board of Water Engineers' Department for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Mann, Mr. Winfree and Mr. Heflin:

H. B. No. 73, A bill to be entitled "An Act amending Article 6675A-5, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, and providing that the license fees for registration of motorcycles, motorcycle side cars, and passenger cars shall be Three Dollars per annum, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Mann:

H. B. No. 74, A bill to be entitled "An Act reorganizing the State of Texas into supreme Judicial Districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Twelfth Supreme Judicial District of Texas, with Houston as the site of said court; providing for the appointment and qualification of the Judges of said Twelfth Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Twelfth Supreme Judicial District of Texas, making appropriation for support of said court, and amending Article 198 of the Revised Civil Statutes of the State of Texas as adopted by Acts

1925, Thirty-ninth Legislature, page 258, Chapter 87, 1, as amended Acts, 1927, Fortieth Legislature, page 378, Chapter 255; Acts, 1929, Forty-first Legislature, page 106, Chapter 51; Acts, 1932, Forty-second Legislature, Third Called Session, page 103, Chapter 38; Acts, 1934, Forty-third Legislature, Third Called Session, page 54, Chapter 31, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Mann:

H. B. No. 75, A bill to be entitled "An Act amending Article 6675A-3B of Title 116 of the Revised Civil Statutes of the State of Texas, 1925, denying any application of refund, or refund of license fees on motorcycles, side cars, and passenger cars, destroyed or demolished, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Mann:

H. B. No. 76, A bill to be entitled "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district or county attorney, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 77, A bill to be entitled "An Act to provide for the creation of two additional District Courts for Harris County to be known as the 124th District Court and the 125th District Court, which shall not have or exercise any criminal jurisdiction but in all other respects have and exercise the jurisdiction prescribed by the Constitution and laws of the State for district courts in general, and the judge shall have and exercise the powers conferred by the Constitution and laws on the Judges of district courts, and its jurisdiction shall be concurrent with the existing district courts of Harris County providing that said courts shall each hold two terms to be known as the January and June terms beginning on the

first Monday in January and the July, December term beginning the first Monday in July, and the first term shall commence immediately after the passage of this law, and authorizing the Governor to appoint a judge of each of said district courts to hold office until the next general election, at which time the judge shall be elected, and providing that the clerks of the district courts of Harris County shall assume the duties of such position, and shall promptly prepare dockets for the courts created by this Act, and place on the dockets of said courts every seventh pending case on the respective dockets on the 11th, 55th, 61st and 113th District Courts, and continue until said seven courts are equalized with cases as near as may be and the cases so transferred shall bear the same docket number and the letters A, B, C, D, E, F and G shall be placed on the docket and court papers of the court used to docket each of the respective courts in their order; and that all suits, prosecutions and proceedings hereafter instituted shall be numbered consecutively beginning with the next number after the last number of the file dockets of the existing courts, and shall be filed alternately in said courts and authorizing the judges of the district courts of Harris County to require transfer cases to any one of said courts with the consent of the judge, and providing that in case of disqualification of the judge, the case shall be transferred to another court, and providing that the judges of all courts shall sign the minutes, and also sign the minutes at the end of each volume, and the judges of the courts shall take a vacation and not attend court for six weeks between the first day of July and the first day of October, and providing for the election of special judges, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Mann:

H. B. No. 78, A bill to be entitled "An Act to provide that in all appeals from decisions of the Industrial Accident Board and on the trial thereof in a court it shall be conclusively presumed that all matters affecting the liability of the insurer exist except that of the extent and duration of the injury, the amount of weekly payments and the right to a

lump sum settlement, unless the same shall be specifically denied by the insurer under oath in which event both the burden of pleading and of proof which rests on the insurer, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch, Mr. Graves, Mr. Howard and Mr. Knetsch:

H. B. No. 79, A bill to be entitled "An Act creating a State Bar, defining the powers thereof, constituting it an administrative agency of the Judicial Department of the State; prescribing the membership thereof, prohibiting non-members and persons suspended therefrom from practicing law, empowering the Supreme Court to adopt and promulgate rules and regulations for the conduct thereof, code of ethics governing the conduct of members and the practice of the law, establishing practice and procedure for disciplining, suspending, and disbarring attorneys at law, prescribing the fees to be paid by members, collection and disbursement thereof; providing for repeal of all laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Sharpe and Mr. Harrell:

H. B. No. 80, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issuance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold; prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder the validity of which has been contested or attacked in a pending suit or litigation, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Moffett:

H. B. No. 81, A bill to be entitled "An Act to aid the Pease River Flood Control District, a State agency, in carrying out the purposes for which

it was created by Chapter 420, General and Special Laws, First Called Session, Forty-fourth Legislature (Senate Bill No. 62 of said Session), including the acquiring of the lands, leases, easements and acquittances, rights-of-way, structures, buildings and equipment, and including the operation of structures, dams, reservoirs and canals, suitable, in so far as practicable, for the control of the flood waters of the Pease River watershed, declared to be a public calamity; granting and donating, with certain limitations, to said District for a period of two years all of the State ad valorem taxes in the following counties, which otherwise would go into the General Revenue Fund of the State of Texas, namely: Cottle, Foard, Hardeman and Wilbarger; said grant being contingent upon the receiving by said District of a grant or allotment from the United States of America on or before January 1, 1939, of a sum sufficient to effect the purpose of this Act, and declaring certain things incidental to said purposes; providing that the District shall not mortgage or otherwise encumber any of its property and that the District may sell a part of its property under certain conditions; and providing, except by a sale under such condition, no property or interest of the District shall come into the ownership or control of any person, firm or corporation other than a public authority created under the laws of the State of Texas; and providing that the property of the District shall at all times be exempt from forced sale; providing a penalty for the misapplication of the funds thus donated; providing for the investment of funds that the Board may determine it best to invest; providing for a system of accounting; providing for bond of the Treasurer of the District to cover the funds herein donated; providing that the District shall not be required to give bond on appeal or for costs in condemnation proceedings; providing that the District shall allow free public ingress and egress to the property and impounded waters and that the right to engage in hunting, camping, fishing, boating and swimming thereon shall always be free to the public; providing that public roads, streets and State highways now traversing the area covered by impounded waters shall remain open to the waters as public passage;

requiring the District when acquiring lands for the strips of land on both sides of the reservoirs to be assigned to the State of Texas and controlled by the Game, Fish and Oyster Commission of the State of Texas to be kept open to the public at all times without charge; defining the word District, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Winfree, Mr. Heflin and Mr. Mann:

H. B. No. 82. A bill to be entitled "An Act to amend Sections 11 and 12 of Article 8306, Revised Civil Statutes of Texas, 1925."

Referred to the Committee on Labor.

By Mr. Nicholson:

H. B. No. 83, A bill to be entitled "An Act amending Article 1, Chapter 467, Section 24, of the Acts of the Forty-fourth Legislature, 1935, Second Called Session, so as to extend the provisions thereof to authorize cities and towns to divide such cities and towns into certain defined districts where liquors and beer may be sold, and to provide for certain other districts in which the sale of such liquors and beer may be prohibited, to be known as Section 24-a; and by adding thereto a section to be known as Section 24-b, providing a penalty against every person who shall sell liquors or beer in districts in cities and towns in which the same has been prohibited; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Graves:

H. B. No. 84, A bill to be entitled "An Act to amend Article 6029 of the Revised Civil Statutes of Texas, as amended by Section 15, Chapter 26, Acts of the First Called Session of the Forty-second Legislature, and as further amended by Section 7, Chapter 2, of the Acts of the Fourth Called Session of the Forty-second Legislature, and as further amended by Section 4, Chapter 76, of the Regular Session of the Forty-fourth Legislature, empowering the Railroad Commission of Texas to make rules for the conservation of oil and gas in the production

thereof, and limiting its powers with reference thereto, and repealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Graves:

H. B. No. 85, A bill to be entitled "An Act allowing the joinder in one suit against a tortfeasor, of any person, firm or corporation liable on written contract to pay any amount of judgment rendered against such tortfeasor for the alleged tort which is the basis of said suit, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Graves and Mr. Petsch:

H. B. No. 86, A bill to be entitled "An Act requiring taxes to be paid on the listed and rendered value in order to prevent the accrual of penalty and interest; further requiring the payment of such taxes on the listed and rendered value by the owner as a condition to resisting the valuation fixed by the Board of Equalization, in any court; further authorizing the Tax Assessor and Collector to receive the taxes based on the listed and rendered value and to issue a special receipt therefor; further directing the State Comptroller to prescribe and furnish the form for such special receipt; further allowing the owner thirty days after the effective date of this Act within which to pay delinquent taxes based on the listed and rendered value of the property; further providing that this Act shall not in any wise affect or impair the rights of the State, county or other political subdivision to the taxes, penalty and interest accruing on the property valuation over and above the rendered and listed value; further providing that the provisions of this Act are severable; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Blankenship:

H. B. No. 87, A bill to be entitled "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, as amended by House Bill No. 4, Chapter 142, page 381, Acts of the Regular Session of the Forty-fourth Legislature, empow-

ering the State Text Book Commission to adopt a multiple list of text books in German, Czech and French languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Harper and Mr. Wood:

H. B. No. 88, A bill to be entitled "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing a penalty for violation of this Act."

Referred to the Committee on Game and Fisheries.

By Mr. Harper, Mr. Wood, Mr. Reed of Bowie and Mr. Mays:

H. B. No. 89, A bill to be entitled "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass, or Bowie for a period of five (5) years; describing penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Morris, Mr. Alsup, Mr. Gibson, Mr. Cagle, Mr. Petsch, Mr. England, Mr. Burton, Mr. Reed of Dallas, Mr. Bond, Mr. Hardin, Mr. Leath, Mr. Worley, Mr. Waggoner, Mr. Bradbury, Mr. Wood, Mr. Davison of Fisher and Mr. Farmer:

H. B. No. 90, A bill to be entitled "An Act abolishing the office of Commissioner of Agriculture and Department of Agriculture; transferring all powers, duties and authorities heretofore imposed by law in Commission of Agriculture and Department of Agriculture to Board of Directors of Agricultural and Mechanical College of Texas; providing, however, that all rights and duties heretofore vested in the Commissioner of Agriculture and Department of Agriculture pertaining to the administration and enforce-

ment of the provisions of the law relating to weights and measures shall be transferred to the Comptroller of Public Accounts; transferring of membership on all Boards and Commissions now held by Commissioner of Agriculture to President of Board of Directors of Agricultural and Mechanical College; transferring all appropriations for the remainder of the fiscal year January 1, 1939 to August 31, 1939 heretofore made to Department of Agriculture to the Board of Directors of Agricultural and Mechanical College to be extended as provided in General Appropriation Bill, Regular Session, Forty-fifth Legislature, 1937; empowering the Board of Directors of the Agricultural and Mechanical College of Texas to formulate such rules and regulations as may be necessary to carry out the provisions of the law relating to agriculture; requiring the Board of Directors to make a biennial report to the Governor of Texas; providing for the repeal of all existing statutory provisions and existing laws in conflict with this Act; providing for the retention of all laws relating to agriculture not in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Walker:

H. B. No. 91, A bill to be entitled "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Wilbarger County and others from the provision requiring the election of a hide and animal inspector, and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Petsch and Mr. Morse:

H. B. No. 92, A bill to be entitled "An Act defining the words 'beer,' 'import' and 'Board' and providing that it shall be unlawful to import beer into this State except as herein provided; requiring importers to secure a permit from the Texas Liquor Control Board and fixing the fees for such permit, and providing the manner in which such permit may be applied for and obtained; authorizing

the Board to deny said permit under certain conditions or grant the same conditioned as it may deem necessary, or to cancel the same for causes herein specified; allocating the proceeds of such fees to the Old Age Assistance Fund, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Stocks and Mr. Stinson:

H. B. No. 93, A bill to be entitled "An Act giving the State Board of Dental Examiners the authority to refuse to grant a license to certain persons; and to revoke, cancel or suspend licenses of persons violating certain provisions of the Statutes and Penal Code, after notice; providing for appeals from orders of said Board and for trials in the District Court and appeals to the Court of Civil Appeals; providing that said law shall be cumulative of and in addition to all other laws and repealing all laws in conflict herewith; providing penalties; declaring the legislative intent, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Hartzog and Mr. Brown:

H. B. No. 94, A bill to be entitled "An Act amending Chapter 152, Acts, Forty-second Legislature, Regular Session, being designated as Article 3920, Revised Civil Statutes of 1925, providing for the collection of certain fees by the Board of Insurance Commissioners for the use and benefit of the State, and declaring and emergency."

Referred to the Committee on Insurance.

By Mr. McCracken, Mr. Reader, Mr. Carssow, Mr. Dickison and Mr. Felty:

H. B. No. 95, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor busses substituted therefore are hereby au-

thorized to continue to distribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor busses, or both, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Graves, Mr. Hankamer and Mr. Petsch:

H. B. No. 96, A bill to be entitled "An Act to fix the salaries of the Judges of the Supreme Court, the Judges of the Court of Criminal Appeals, the Judges of the Supreme Court Commission of Appeals and the Judges of the Commission of Appeals in aid of the Court of Criminal Appeals; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature, which fixes the salaries of the above named judges, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Davison of Fisher and Mr. Thornton:

H. B. No. 97, A bill to be entitled "An Act amending Article 3810 of the Revised Civil Statutes of the State of Texas, 1925, providing for notices of sale of real estate under deeds of trust, manner of giving notice, contents of same, affidavit of mailing notice, place of sale; providing for setting aside sale, repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Holland, Mr. Beckworth, Mr. Fielden, Mr. Jones of Angelina, Mr. Fuchs, Mr. Prescott and Mr. Rhodes:

H. B. No. 98, A bill to be entitled "An Act providing that all persons who are judicially found to be unsafe drivers of motor vehicles so far as the public using the roads, streets, and highways of this State is concerned shall, before thereafter being permitted to operate a motor vehicle on said roads, streets and highways, give evidence of financial responsibility for the protection of the public in motor vehicle accidents, defining who shall be construed to be unsafe drivers, and who shall be required to

give the evidence of financial responsibility required by this Act; providing if acts resulting in matters requiring evidence of financial responsibility occur while the person required to give same is in actual service of firm, co-partnership, association or corporation provisions of this Act shall apply to said firm, co-partnership, association, or corporation; defining what shall constitute evidences of financial responsibility within the meaning of this Act providing that same shall be filed with the Department of Public Safety, prescribing amounts of same, terms of years for which required, providing person, firm, or corporation acting as security for another may be released, conditions for such release and status of their principal thereafter; providing certain exceptions, and that no party to an instrument filed as such evidence required herein shall be liable unless the person required to give such evidence is at fault in motor vehicle accident, providing for determining matters requiring evidence of financial responsibility though judgment has not therefore been entered, who shall bring action, where such actions shall be brought and the form, requisites, and effects thereof, providing in cases the court shall enter judgment enforcing provisions hereof, independent of the main judgment in the case, providing forms for report of convictions, transmission thereof from Department of Public Safety to Clerks of Courts, and Clerk's duties in respect thereto, providing duties of Department in respect to Assessor-Collector of Taxes, duties of such Assessor-Collector of Taxes, and effect of failure to comply; providing effects of violation of this Act upon mortgages of motor vehicles, providing duties of mortgagees in event mortgagor fails to comply, and effect of failure of either or both to comply with the terms of this Act, providing this Act shall not be construed as repealing Chapter 466, Acts Forty-second Legislature, Second Called Session, but providing means for those whose licenses have been suspended to receive special permits to operate motor vehicles, providing penalty for the violation of this Act, that this Act shall be cumulative of all other laws except where in conflict with terms of this Act. in which event provisions in conflict herewith are repealed, providing if any provision

or section of this Act is held unconstitutional, such unconstitutionality shall not affect the remaining portions, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Leonard, Mr. Celaya and Mr. Vale:

H. B. No. 99, A bill to be entitled "An Act providing for the purchasing, handling, sale and accounting of sales of citrus fruit grown in the State of Texas; defining terms as used herein, providing for bond and license for citrus fruit dealers; prescribing and fixing duties and powers of the Commissioner of Agriculture with reference to the Act and its operation and enforcement; defining offenses and prescribing penalties for the violation of this Act, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Leonard, Mr. Celaya and Mr. Vale:

H. B. No. 100, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1937, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925 known as the Pink Bollworm law, and amendments thereto, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Leonard, Mr. Celaya and Mr. Vale:

H. B. No. 101, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1937, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Mexican Fruit Fly,

Citrus Canker, and other pests, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Graves, Mr. Bates and Mr. Westbrook:

H. B. No. 102, A bill to be entitled "An Act amending House Bill No. 8, Chapter 495, Section 6- 40A, Acts Forty-fourth Legislature, Third Called Session, page 2078, levying a tax upon persons, firms and corporations who produce sulphur; providing for the making of sworn quarterly reports to the Comptroller; providing that the occupation tax on sulphur be Two (\$2.00) Dollars per long ton, and for the collection of same; providing method of ascertaining tax on sulphur produced during portion of a quarter of a year; providing that this tax shall be in lieu of former taxes, but shall be paid as formerly; providing for allocation of funds collected under this tax; repealing all other laws or parts of laws in conflict with these provisions, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Howard (by request):

H. B. No. 103, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of the State of Texas, 1925, relating to the institution of suits by the State of Texas for public lands held, occupied or claimed adversely to the State, and for the recovery of rent thereon and damages thereto, by fixing the venue of such suits in the county where such land or some part thereof lies, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard (by request):

H. B. No. 104, A bill to be entitled "An Act to amend Article 122 of Chapter 4, Title 4, of the Penal Code of the State of Texas of 1925, prescribing the penalty for engaging in, working at, or conducting the business of plumbing without license as provided by law, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Mauritz:

H. B. No. 105, A bill to be entitled "An Act requiring owners of real estate or other taxable property, or

their agents or representatives in rendering same for ad valorem taxation to give the post office address of the owner or owners of said property at the time of such rendition; providing a penalty for failure to render such property in the manner herein prescribed, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Colquitt:

H. B. No. 106, A bill to be entitled "An Act providing for the posting of legal notices at some place within the court house to be designated by the Commissioners Court; providing for publication of notice of posting; and repealing all laws and parts of laws in conflict."

Referred to the Committee on Counties.

By Mr. Amos and Mr. Graves:

H. B. No. 107, A bill to be entitled "An Act requiring all railway corporations, persons, associations, companies, receivers or lessees operating a railroad within the State of Texas to furnish all conductors, brakemen, switchmen, or other employees having the duty of giving signals, with electric lanterns; providing a penalty for the violation thereof, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Fox, Mr. Davison of Fisher and Mr. Bradbury:

H. B. No. 108, A bill to be entitled "An Act making it unlawful for the fraudulent taking of any cotton or cottonseed; making such an offense a felony; providing punishment therefor, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch, Mr. Graves and Mr. Knetsch:

H. B. No. 109, A bill to be entitled "An Act defining certain words, terms and phrases; providing that before any restraining order or injunction shall issue to restrain the collection of certain special taxes, fees and penalties, the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties then due and thereafter becoming due during the pendency of said injunction; requiring applicant for injunction to keep certain records and

file certain reports and describing the records to be kept and detailing the information required in the reports; providing that the injunction or restraining order shall be dismissed or dissolved after hearing for failure to comply with the provisions of this Act or for the violation of the same and providing for the manner and time of said hearing and the service of notice; fixing venue for such injunction proceedings; providing that any State official authorized to enforce the collection of tax involved in said injunction may file affidavit of such violations with the Court; providing for the disposition of such funds paid into the suspense account of the Treasurer after final judgment; prohibiting any person not a party to an injunction from receiving benefits therefrom; providing that if any part of this Act should be held invalid or unconstitutional such decision shall not affect the remaining portions of this Act; providing that this Act in the enforcement of its provisions shall apply and control all other laws or parts of laws in this State, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Kern:

H. B. No. 110, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. McFarland, Mr. Tennyson, Mr. Fox, Mr. Walker, Mr. Davis of Jasper, Mr. Tennant and Mr. Davison of Eastland:

H. B. No. 111, A bill to be entitled "An Act to amend Articles 7101, Chapter 4, Title 122, Articles 7162, 7174, Chapter 6, Title 122, and Articles 7183, 7184, 7192, 7193, 7204, 7214, 7215, 7216, 7221 and 7224, Chapter 7, Title 122, Revised Civil Statutes of Texas of 1925."

Referred to the Committee on Revenue and Taxation.

By Mr. Alsup, Mr. Leath and Mr. Holland:

H. B. No. 112, A bill to be entitled "An Act providing for the erection of a State Office Building, making an appropriation thereof; providing for the location of said office building by the purchase of a suitable site of ground near or adjacent to the State Capitol, and authorizing the State Board of Control to plan and erect said building, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bradford:

H. B. No. 113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the monies collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the Commissioner's Court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Bradford and Mr. Wood:

H. B. No. 114, A bill to be entitled "An Act to regulate the transportation by motor vehicle for compensation or hire of cattle, sheep, goats, hogs or domestic fowls upon any public highway, public street, thoroughfare, or any land of which the driver of the motor vehicle is not the owner, lessee, renter, or tenant; providing for the application of a permit by the driver of such motor vehicle, and issuance thereof by the sheriff of the county in which the transportation originates; further providing for the payment of a fee to the sheriff for such permit to be paid into the General Fund of such County; further providing for the search of such motor vehicle and detention of the driver thereof for failure or refusal to ex-

hibit such permit to any person or peace officer; prescribing penalties for violation; repealing Section 1 of Chapter 19 of Acts, 1929, Forty-first Legislature, Second Called Session, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Bradford:

H. B. No. 115, A bill to be entitled "An Act to amend Article 1442, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of sheep or goat from four years to ten years, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Bradford:

H. B. No. 116, A bill to be entitled "An Act to amend Article 1441, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of cattle or hogs from four years to ten years, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Leath:

H. B. No. 117, A bill to be entitled "An Act to amend Chapter 10, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new Article thereto immediately following Article 4916, said new Article to be known as Article 4916a and which shall provide that no provision of the Acts creating the State Insurance Commission or the Board of Insurance Commissioners, or relating to the supervision or operation of insurance companies in this State, shall be construed to prohibit any insurance company issuing any insurance policies of any kind in this State from extending to any insured in this State the benefit of any saving it effects in the acquisition cost of the business of such insured; limiting the amount of any discount or rebate hereunder, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Leath:

H. B. No. 118, A bill to be entitled "An Act to amend Article 5056,

Chapter 21, Title 78, Revised Civil Statutes of Texas, 1925, defining who are insurance agents and exempting from the provisions of the Act citizens of this State who arbitrate in the adjustment of losses between the insurers and insured; practicing attorneys in the regular transaction of their business; citizens of this State, acting in the regular transaction of their duties as the employed representative of the insured who negotiate or arbitrate in the purchase of insurance in behalf of such insured and making it unlawful for any company to pay any commission or compensation to any such employed representative of any insured, and authorizing any insurance company transacting any kind of an insurance business in this State to grant a discount or rebate to any insured, whose business is negotiated through such employed representative, equal to the expense it usually incurs in the acquisition cost of such class of business; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Carssow, Mr. Quinn, Mr. Beckworth, Mr. Smith of Tarrant, Mr. Mann, Mr. Reader, Mr. Winfree, Mr. Heflin, Mr. Dickison, Mr. Felty, Mr. McCracken, Mr. Callan, Mr. Broadfoot, Mr. James, Mr. Talbert, Mr. Davison of Fisher, Mr. McConnell, Mr. Hartzog, Mr. Hankamer, Mr. Bradbury, Mr. Dean, Mr. Deglandon, Mr. Westbrook, Mr. Morse, Mr. McFarland, Mr. Bates, Mr. Harris of Dallas, Mr. Howard, Mr. Mays, Mr. Hyder, Mr. Reed of Dallas, Mr. Reed of Bowie, Mr. Smith of Hopkins, Mr. Tennant, Mr. Fielden, Mr. Tennyson, Mr. Blankenship, Mr. Patterson of Travis, Mr. Cagle, Mr. Johnson of Ellis, Mr. Boyer, Mr. Walker, Mr. King, Mr. Davisson of Eastland, Mr. Lanning, Mr. Mauritz, Mr. Nicholson, Mr. London, Mr. Jones of Angelina, Mr. Bell, Mr. Waggoner, Mr. Patterson of Mills, Mr. Davis of Haskell, Mr. Herzik, Mr. Cathey, Mr. Rutta, Mr. England, Mr. Powell, Mr. Morris, Mr. Johnson of Tarrant, Mr. Bond, Mr. Knetsch, Mr. Alsop, Mr. Little, Mr. Jones of Falls, Mr. Adkins, Mr. Hardin, Mr. Schuenemann, Mr. Hoskins, Mr. Shell, Mr. Monkhouse, Mr. Boethel, Mr. Harper, Mr. Baker, Mr. Jackson,

Mr. Cleveland, Mr. Stinson, Mr. Settle, Mr. Russell, Mr. Stocks, Mr. Lucas, Mr. Hanna, Mr. Leonard, Mr. Huddleston, Mr. Thornberry, Mr. Graves, Mr. Leath, Mr. Wood, Mr. Lankford, Mr. Prescott and Mr. Harbin:

H. B. No. 119, A bill to be entitled "An Act declaring all fraternal benefit societies organized or licensed under the provisions of Chapter 8, of Title 78 of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every State, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Wood, Mr. Leath and Mr. Langdon:

H. B. No. 120, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, as amended by Chapter 424, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 121, A bill to be entitled "An Act making it a felony for the stealing of a motor vehicle, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Morse:

H. B. No. 122, A bill to be entitled "An Act to amend Article 1315 of the Revised Civil Statutes of Texas, of 1925 so as to authorize any private corporation organized under Title 32 of said Revised Statutes to extend its charter; prescribing the manner for so extending any such charter and prescribing fees to be paid for any such extension of charter, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Davisson of Eastland:

H. B. No. 123, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school pur-

poses in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 4,600 and not more than 4,650, whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Graves:

H. B. No. 124, A bill to be entitled "An Act prohibiting any person, firm or corporation engaged in the manufacturing, producing, transporting, distributing or selling heat, gas, water, electricity, or electrical current to engage in the manufacture, distribution, lease or sale, directly or indirectly, of any chattel, article, commodity or manufactured product, except those articles or commodities which are the direct product of such business; prohibiting any such person, firm or corporation from owning any interest in any other such company; prohibiting any charter being issued in this State authorizing such companies to engage in such business; allowing such companies time to dispose of any such appliances now owned by them; providing a penalty for a violation of this law, and a procedure therefor; repealing all laws in conflict herewith; containing a saving clause, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Mauritz:

H. B. No. 125, A bill to be entitled "An Act amending Article 5285, Revised Civil Statutes of 1925, so as to provide that Deputy County Surveyor shall not be required to give a larger bond than the County Surveyor."

Referred to the Committee on Counties.

By Mr. Kenyon, Mr. Thornton and Mr. Reader:

H. B. No. 126, A bill to be entitled "An Act providing that county courts without the necessity of trial by jury may temporarily commit mentally-ill persons not charged with criminal offense to State mental hospitals, for not exceeding ninety days for observation and/or treatment; provid-

ing temporary commitment may also be made to United States Veterans Bureau and other United States Government operated hospitals in those cases where such agency of the United States will accept such mentally-ill persons; providing the adjudication of mental illness, the temporary commitment of persons so afflicted, and their discharge, furlough and release; providing for the payment of their transportation, support and treatment charges protecting property rights; providing that if any portion of the Act is declared unconstitutional and invalid it shall not affect the remaining parts, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Thornton:

H. B. No. 127, A bill to be entitled "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots and non compos mentis and to provide for the disposition of such funds so paid and to define the duties of the person holding such funds, providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. England:

H. B. No. 128, A bill to be entitled "An Act providing for the compulsory adjustment, correction or repair of motor vehicles, and inspection thereof by the Department of Safety of the State of Texas, and providing a penalty for the violation of the provisions of the Act; repealing Article 6696, Revised Civil Statutes of Texas, 1925, and all laws and parts of laws in conflict herewith; providing that the terms of this Act shall be severable, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. England, Mr. Morris, Mr. Davis of Haskell and Mr. Fielden:

H. B. No. 129, A bill to be entitled "An Act amending Section 4, Subsection one of Article III of H. B. No. 8, Third Called Session, Forty-fourth Legislature."

Referred to the Committee on Revenue and Taxation.

By Mr. James, Mr. Cagle, Mr. Huddleston, Mr. McConnell, Mr. King, Mr. Palmer, Mr. Jones of Angelina, Mr. Patterson of Travis, Mr. Jones of Falls, Mr. Fuchs and Mr. Derden:

H. B. No. 130, A bill to be entitled "An Act to give the right of eminent domain to certain conservation and reclamation districts to enable them to acquire by condemnation land on which cemeteries are located under certain conditions, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Tennyson and Mr. Harris of Archer:

H. B. No. 131, A bill to be entitled "An Act amending Article 1119 of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas; providing that persons, companies or corporations engaged in the telephone business in incorporated cities and towns shall be included in the provisions of said Article; and to limit the earnings of persons, companies or corporations coming within the provisions of said Article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public, which return shall never exceed eight per cent (8%) per annum; repealing all laws and parts of laws in conflict herewith; providing if any part of the Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Tennyson and Mr. Harris of Archer:

H. B. No. 132, A bill to be entitled "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Tennyson and Mr. Harris of Archer:

H. B. No. 133, A bill to be entitled "An Act amending Article 1121 of

the Revised Civil Statutes of Texas, 1925, so as to make its provisions more certainly apply to the local properties or systems of companies, corporations and persons furnishing water, light, gas and sewerage service in cities and towns of Texas; adding companies, corporations or persons who may be engaged in furnishing telephone service in such cities and towns; providing that if any part of the Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Tennyson and Mr. Harris of Archer:

H. B. No. 134, A bill to be entitled "An Act amending Articles 1441, 1443 and 1445, so as to make the provisions of these Articles also apply to telephone companies and providing that every corporation owning, leasing or operating in this State in incorporated cities or towns, regardless of the population, a street railroad, electric light and power plant furnishing light and power to the public, gas plant furnishing gas to the public, water plant furnishing water to the public, shall file a report with the Secretary of State; providing that if any part of the Act is declared unconstitutional, it shall not affect the validity of the Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Holland and Mr. Leyendecker:

H. B. No. 135, A bill to be entitled "An Act regulating mutual insurance companies and local mutual aid associations in the State of Texas, including all foreign companies or associations operating under a permit to do business in Texas; providing that such company or association shall issue notice to policyholders at least thirty days in advance of the due date of any premium, assessment, or dues, providing there shall be stated thereon the actual monetary value of the policy at the time of the issuance of said notice; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Holland and Mr. Leyendecker:

H. B. No. 136, A bill to be entitled "An Act regulating mutual insurance companies and local mutual aid associations in the State of Texas, providing no one individual or officer shall be designated by applicant for policies of insurance as proxy to cast votes for said applicant or member, but that such designations shall be divided equally between four several officers and one member not an officer, providing for effect upon applicant or member who desires to designate proxy other than those specified herein, and the manner of such designation; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Insurance.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Fuchs:

H. J. R. No. 1, Proposing an amendment to the Constitution of Texas, amending Article XVI by adding thereto another Section to be known as "Section 62" authorizing the Legislature to enact laws in order to require the owners of cultivated lands to properly terrace such lands in order to protect the soil against erosion; and providing that a period of five years shall be granted landowners in which to comply with any such law; and providing for the submission of this amendment to the voters of this State and providing for the necessary appropriation to defray the expenses of the election in the submission of this amendment.

Referred to the Committee on Constitutional Amendments.

By Mr. Stinson and Mr. McKee:

H. J. R. No. 2, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b authorizing the Legislature to establish a system of unemployment insurance, and providing for the levying of a tax on pay-

rolls for such purpose; and providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch, Mr. Newton, Mr. McKee and Mr. Knetsch:

H. J. R. No. 3, Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new Section, known as "Section 62," providing that the Attorney General of the State of Texas shall have the authority to appoint six Assistant Attorneys General whose terms of office shall be for six years except the first person appointed shall serve: two for two years, two for four years and two for six years; said terms to be designated by the Attorney General at the time of appointment; and further providing that the salary of each of such Assistants shall be Five Thousand (\$5,000.) Dollars per annum, payable in equal monthly installments and further providing that the Attorney General may appoint such other Assistant Attorneys General as the Legislature may authorize; provided that said Assistant Attorneys General shall be subject to the instructions of the Attorney General at all times; and providing for the necessary publication and election and making an appropriation to pay therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch, Mr. Newton, Mr. McKee and Mr. Knetsch:

H. J. R. No. 4, Proposing an amendment to Article XVI of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 62, providing four year term of office for all elective officers in this State elected after the adoption of this amendment, providing that any officer elected to fill a vacancy shall hold for the unexpired term and that any term of an elective office fixed by the Constitution for a longer term than four years, that the duration of such office shall continue for such term, and providing that no person shall be eligible to hold the Office of Governor more than four years in any period of eight years; providing for the necessary publica-

tion and election; and making an appropriation to pay therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Farmer, Mr. Smith of Tarrant and Mr. Amos:

H. J. R. No. 5, Proposing an amendment to Section 51 of Article III, of the Constitution of the State of Texas by adopting a new Section to be known as Section 51-c, which shall provide for home ownership in Texas that tenantry may be discouraged, giving the Legislature full power to make sale of all lands owned by the State, on time payments at two per cent interest, to citizens desiring homes, and providing that the Legislature shall by General Laws provide for homes; also giving to the Legislature power to condemn and purchase lands suitable for such purpose, and that the Legislature may accept gifts and bequests of such land for such purposes, and providing such homes shall be exempt from all taxation; also providing that the Legislature shall pass laws to cooperate with the Federal Government and its agencies to accomplish such purpose, and receive any assistance therefrom, and to pass General Laws that cities and counties may cooperate in this object; providing for an election on the question of the adoption or rejection of such amendment; prescribing the form of the ballot; providing for the proclamation and publication of such by the Governor, and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Farmer, Mr. Smith of Tarrant and Mr. Amos:

H. J. R. No. 6, Ratifying an amendment to the Constitution of America, passed by the Sixty-eighth Congress of the United States of America at its first session, which amendment empowers the Congress to limit, regulate and prohibit the labor of persons under eighteen (18) years of age; and providing that certified copies of this joint resolution shall be forwarded to the President of the United States, and the Secretary of State of the United States, and the President of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Referred to the Committee on Constitutional Amendments.

By Mr. Farmer, Mr. Smith of Tarrant and Mr. Amos:

H. J. R. No. 7, Proposing an amendment to Section 1-a of Article VIII of the Constitution of the State of Texas, exempting Three Thousand Dollars (\$3,000.00) of the assessed taxable value of all residence homesteads as now defined by law from all taxation for all purposes, excepting, until the expiration of such remission period or the need of such remission, that portion of the State ad valorem taxes remitted within certain counties and political subdivisions now receiving a remission of such taxes; providing for the submission of same to the qualified electors of the State; prescribing the form of the ballots; providing for the necessary proclamation and publication of such by the Governor; and making an appropriation to defray expenses of the proclamation, publication, and the election.

Referred to the Committee on Constitutional Amendments.

By Mr. Farmer and Mr. Amos:

H. J. R. No. 8, Proposing an amendment to Section 1 of Article VIII of the Constitution of the State of Texas providing that taxation of real property shall be equal and uniform; and all property, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value as may be ascertained as provided by law; that the Legislature may make reasonable classification of all property other than real property for the purpose of taxation, and may impose different rates thereon; providing that the taxation of property in any class shall be equal and uniform; and providing that the Legislature may impose a poll tax and may impose an occupation tax on natural persons or corporations, other than municipal, doing business in this State; that it may tax income of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; exempting Two Hundred and Fifty (\$250.00) Dollars worth of household and kitchen furniture belonging to each family in this State; and providing further that the occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business

shall not exceed one-half of the tax levied by the State for the same period.

Referred to the Committee on Constitutional Amendments.

By Mr. Brown:

H. J. R. No. 9, Proposing an amendment to Article VIII, Section 1-a of the Constitution of the State of Texas, providing that Three Thousand (\$3,000.00) Dollars of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from taxation for all purposes; providing certain exemptions; providing for an election on the question of adoption or revocation of such an amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

By Mr. McKee, Mr. Newton, Mr. Dickison, Mr. Hoskins, Mr. Mauritz, Mr. Riddle, Mr. Hankamer, Mr. Patterson of Travis, Mr. James, Mr. Jones of Falls, Mr. Herzik, Mr. Loggins, Mr. Johnson of Ellis, Mr. Sharpe, Mr. Stinson, Mr. Petsch, Mr. Harris of Dickens, Mr. Fielden, Mr. Prescott, Mr. Davisson of Eastland, Mr. Howard, Mr. Knetsch, Mr. Harper and Mr. Westbrook:

H. J. R. No. 10, Proposing to amend the Constitution of Texas by adding a new Section to be known as Section 30-b of Article XVI of the Constitution providing four (4) year terms of office for all Precinct, County and District offices, and providing that incumbents in office at the time of the adoption of this amendment shall hold for four year term instead of a two year term; amending Section 4 of Article III, providing for manner of election and apportionment of Members of the House of Representatives; providing for an election on the question of adoption or rejection of said amendments and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Thornberry, Mr. Roark, and Mr. Jones of Wise:

H. J. R. No. 11, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the

United States of America, at its first session, which amendment empowers the Congress to limit, regulate and prohibit the labor of persons under eighteen years of age.

Referred to the Committee on Constitutional Amendments.

By Mr. Reed of Bowie:

H. J. R. No. 12, Proposing an amendment to Section 1-a of Article VIII of the Constitution of the State of Texas, exempting Three Thousand (\$3,000.00) Dollars of the assessed taxable value of all residence homesteads, as now defined by law, from all State, county, city, town, district and other political subdivision purposes; providing that the exemption shall not apply to State taxes within counties, districts or other political subdivisions of the State now receiving any remission of such State taxes until the expiration of the period of remission; providing for exemption of Two Hundred and Fifty (\$250.00) Dollars worth of household and kitchen furniture and wearing apparel; providing, also, that the exemption shall not apply to taxes necessary to pay any indebtedness heretofore legally made and undertaken by counties, cities, towns, districts, and other political subdivisions of the State; providing for the submission of the same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expense of the proclamation, publication and election.

Referred to the Committee on Constitutional Amendments.

By Mr. Hanna and Mr. Cagle:

H. J. R. No. 13, Proposing to amend Article V, Section 18, of the Constitution of the State of Texas, so as to abolish the office of Constables.

Referred to the Committee on Constitutional Amendments.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Leyendecker was granted leave of absence for today, on account of illness, on motion of Mr. Celaya.

Mr. Newton was granted leave of absence for yesterday and today, on account of illness, on motion of Mr. Davis.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 1, "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session of the Forty-fourth Legislature, and declaring an emergency."

**ADOPTING FRANK E. MANN, JR.,
AS MASCOT OF THE HOUSE**

Mr. Lucas offered the following resolution:

Whereas, We have with us today a proper person for the office of Mascot of the House of Representatives for the Forty-fifth Legislature of the State of Texas; therefore, be it

Resolved, That Frank E. Mann, Jr., son of one of our distinguished Members, be, and he is hereby officially named by this House as Mascot of the House of Representatives for the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That said Mascot have his picture made and placed with the Members of the House in the official group of this body.

LUCAS,
HOLLAND.

The resolution was read second time, and was adopted.

**NAMING "SWEETHEARTS OF
THE HOUSE"**

Mr. McKee offered the following resolution:

Whereas, Our esteemed fellow Member, the Honorable J. Carroll McConnell, is the father of two very charming young ladies, the only twins in the House; and

Whereas, These young ladies are grand daughters of Judge W. W. Mc-

Connell, a former Member of the 30th Legislature; and

Whereas, The House has authorized a Committee to attend to the placing of the pictures of the Members of the Forty-fifth Legislature in the Hall of the House; therefore, be it

Resolved, That the Misses Eloyce and Elayne McConnell are hereby named "Sweethearts of the House" and their pictures shall be placed in a suitable position with the above inscription along with the others in the group pictures.

DICKISON,
HARDIN,
HARTZOG.

The resolution was read second time, and was adopted.

**RELATIVE TO HOUSE BILL
NO. 14**

By unanimous consent of the House, Mr. Petsch was authorized to make certain correction in House Bill No. 14.

**COUNTING THE VOTES CAST
FOR GOVERNOR AND
LIEUTENANT
GOVERNOR**

At the hour of 3:00 o'clock p. m., fixed by concurrent action of the two Houses for the House of Representatives and the Senate to meet in Joint Session for the purpose of counting the votes for Governor and Lieutenant Governor, cast at the general election held on Tuesday, the third day of November, 1936, the Honorable Senators were announced at the Bar of the House and were admitted.

Escorted by Honorable Bob Barker, Secretary of the Senate, the Senators advanced into the Hall and occupied seats prepared for them.

Lieutenant Governor Walter F. Woodul occupied a seat on the Speaker's stand.

Lieutenant Governor Walter F. Woodul called the Senate to order.

Lieutenant Governor Walter F. Woodul directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators were present:

Aikin
Beck

Brownlee
Collie

Cotten
Davis
Head
Hill
Holbrook
Isbell
Lemens
Moore
Neal
Nelson
Newton
Oneal

Pace
Rawlings
Redditt
Roberts
Shivers
Sulak
Van Zandt
Weinert
Westerfeld
Winfield
Woodruff

Absent

Burns
Small

Spears
Stone

Hon. Robert W. Calvert, Speaker, called the House of Representatives to order and stated that the two Houses were in Joint Session for the purpose of counting the votes cast for Governor and Lieutenant Governor, in the last general election, and for receiving the returns of same.

Speaker Calvert then directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Adkins
Alsup
Amos
Baker
Bates
Beckworth
Bell
Blankenship
Boethel
Boyer
Bradbury
Bradford
Bridgers
Broadfoot
Brown
Burton
Cagle
Callan
Carssow
Cathey
Cleveland
Colquitt
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Davison of Fisher
Dean
Deglandon
Derden
Dickison
Dollins

Farmer
Felty
Fielden
Fox
Fuchs
Hamilton
Hankamer
Hanna
Harbin
Hardin
Harper
Harrell
Harris of Archer
Harris of Dallas
Harris of Dickens
Heflin
Herzik
Hoskins
Howard
Huddleston
Hull
Hyder
Jackson
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Falls
Jones of Wise
Kelt

Kenyon
Kern
King
Knetsch
Langdon
Lankford
Lanning
Leath
Leonard
Little
Loggins
London
Lucas
Mann
Mauritz
Mays
McConnell
McCracken
McDonald
McFarland
McKee
Metcalf
Moffett
Monkhouse
Morris
Morse
Nicholson
Oliver
Palmer
Patterson of Mills
Patterson
of Travis

Petsch
Powell
Prescott
Quinn
Ragsdale
Reed of Bowie
Riddle
Russell
Rutta
Schuenemann
Settle
Sewell
Shell
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Stinson
Stocks
Talbert
Tennant
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Westbrook
Winfree
Wood

Absent

Alexander
Bond
Celaya
England
Gibson
Graves
Hartzog
Holland
McKinney
Pope

Reader
Reed of Dallas
Rhodes
Roark
Ross
Sharpe
Smith of Tarrant
Stevenson
Tarwater
Worley

Absent—Excused

Keefe
Keith

Leyendecker
Newton

A quorum of the House was announced present.

The Lieutenant Governor announced the appointment of the following tellers on the part of the Senate: Senators Brownlee, Moore, Beck, Cotten and Oneal.

The Speaker announced the appointment of the following tellers on the part of the House: Messrs. Alexander, Amos, Hankamer, Felty and Mann.

The joint tellers were announced present, and they at once came forward and occupied seats already prepared for them.

The Speaker then requested the joint tellers to come forward to receive the returns of the last general election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives of the Forty-fifth Legislature.

The joint tellers then proceeded to the work of counting the votes cast

for Governor and Lieutenant Governor at the last general election.

(Mr. Leonard in the Chair.)

When the count was completed, the Lieutenant Governor and the Speaker of the House announced to the Joint Session that the joint tellers had completed the count of the votes, and that the Joint Session is now ready to receive the results and to have the report of the joint tellers.

Senator Houghton Brownlee, on the part of the Senate, and Honorable Fred E. Knetsch, on the part of the House, submitted the following report:

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Anderson.....	3,917	118	1	----	----
Andrews.....	295	10	1	----	----
Angelina.....	4,147	129	4	----	----
Aransas.....	299	228	2	1	----
Archer.....	1,736	83	----	----	----
Armstrong.....	916	20	----	----	----
Atascosa.....	2,182	165	5	1	----
Austin.....	1,818	132	1	----	----
Bailey.....	870	99	1	----	----
Bandera.....	806	343	3	----	----
Bastrop.....	2,514	81	2	----	----
Baylor.....	1,621	60	1	----	----
Bee.....	1,864	216	3	----	----
Bell.....	6,141	202	6	2	----
Bexar.....	42,012	6,798	39	22	----
Blanco.....	1,190	220	1	----	----
Borden.....	229	13	1	----	----
Bosque.....	2,438	191	4	2	----
Bowie.....	5,288	267	6	----	----
Brazoria.....	2,443	244	3	3	----
Brazos.....	2,698	46	1	2	----
Brewster.....	938	66	----	----	----
Briscoe.....	873	31	----	----	----
Brooks.....	431	62	----	----	----
Brown.....	4,221	247	5	----	----
Burleson.....	1,675	63	----	----	----
Burnet.....	1,658	62	1	----	----
Caldwell.....	3,176	93	----	2	----

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Calhoun.....	725	49	1	—	—
Callahan.....	1,840	140	5	—	—
Cameron.....	6,770	1,336	10	3	—
Camp.....	909	30	—	—	—
Carson.....	1,629	88	—	—	—
Cass.....	2,518	115	—	—	—
Castro.....	986	38	1	—	—
Chambers.....	1,078	67	1	—	—
Cherokee.....	4,066	122	4	—	—
Childress.....	2,201	111	7	—	—
Clay.....	2,262	88	1	1	—
Cochran.....	700	31	8	—	—
Coke.....	883	42	7	—	—
Coleman.....	3,065	164	3	—	—
Collin.....	5,852	373	5	1	—
Collingsworth.....	2,067	99	4	—	—
Colorado.....	1,596	194	4	2	—
Comal.....	1,997	177	—	—	—
Comanche.....	2,677	—	—	—	—
Concho.....	1,110	58	—	—	—
Cooke.....	4,048	356	5	2	—
Coryell.....	2,147	93	2	—	—
Cottle.....	1,272	55	5	—	—
Crane.....	638	8	—	—	—
Crockett.....	270	31	—	—	—
Crosby.....	1,786	79	—	—	—
Culberson.....	260	12	—	—	—
Dallam.....	1,524	139	1	3	—
Dallas.....	44,192	5,176	118	36	—
Dawson.....	1,891	88	1	—	—
Deaf Smith.....	1,310	80	—	—	—
Delta.....	1,498	45	—	—	—
Denton.....	5,284	271	5	1	—
DeWitt.....	2,356	183	7	—	—
Dickens.....	1,551	64	1	—	—
Dimmitt.....	872	160	—	—	—
Donley.....	1,581	84	1	—	—
Duval.....	2,926	129	—	—	—
Eastland.....	4,985	409	6	2	—
Ector.....	879	28	1	—	—
Edwards.....	444	79	—	—	—
Ellis.....	5,753	210	6	—	—
El Paso.....	12,510	972	18	8	—

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Erath.....	2,838	159	4	—	—
Falls.....	3,526	82	1	2	—
Fannin.....	5,304	236	6	—	—
Fayette.....	3,232	264	1	—	—
Fisher.....	2,136	66	4	—	—
Floyd.....	1,970	119	1	—	—
Foard.....	950	54	—	—	—
Fort Bend.....	2,718	78	2	—	—
Franklin.....	947	52	—	—	—
Freestone.....	1,987	82	—	1	—
Frio.....	1,123	82	—	—	—
Gaines.....	701	18	2	—	—
Galveston.....	10,141	919	9	4	—
Garza.....	857	75	1	—	—
Gillespie.....	1,332	1,151	7	1	—
Glasscock.....	269	22	1	—	—
Goliad.....	1,249	274	—	1	—
Gonzales.....	2,920	131	1	1	—
Gray.....	4,507	309	4	2	—
Grayson.....	10,986	578	12	1	—
Gregg.....	6,697	334	4	3	—
Grimes.....	1,965	47	2	1	—
Guadalupe.....	3,431	912	5	1	—
Hale.....	3,234	257	6	—	—
Hall.....	2,219	69	6	1	—
Hamilton.....	2,074	90	1	1	—
Hansford.....	861	47	6	—	—
Hardeman.....	2,076	123	2	1	—
Hardin.....	2,387	—	—	—	—
Harris.....	63,019	3,982	75	47	—
Harrison.....	3,568	108	5	—	—
Hartley.....	582	37	—	—	—
Haskell.....	2,786	85	—	1	—
Hays.....	2,161	98	—	—	—
Hemphill.....	1,055	76	—	—	—
Henderson.....	3,401	128	5	—	—
Hidalgo.....	8,170	1,882	16	9	—
Hill.....	4,843	153	—	—	—
Hockley.....	1,760	58	9	—	—
Hood.....	1,042	61	—	—	—
Hopkins.....	2,865	156	2	—	—
Houston.....	2,470	66	1	—	—
Howard.....	3,141	101	3	1	—

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Hudspeth.....	384	9	---	1	---
Hunt.....	5,931	230	2	1	---
Hutchinson.....	2,645	248	6	---	---
Irion.....	517	18	4	1	---
Jack.....	1,286	102	1	1	---
Jackson.....	1,013	103	---	1	---
Jasper.....	1,639	62	---	---	---
Jeff Davis.....	327	6	---	1	---
Jefferson.....	19,506	1,342	29	10	---
Jim Hogg.....	736	24	---	---	---
Jim Wells.....	1,953	139	2	1	---
Johnson.....	4,390	169	3	1	---
Jones.....	3,621	182	5	2	---
Karnes.....	2,379	149	---	---	---
Kaufman.....	4,028	144	---	---	---
Kendall.....	572	574	---	---	---
Kenedy.....	119	7	---	---	---
Kent.....	554	9	1	---	---
Kerr.....	1,981	632	1	---	---
Kimble.....	760	61	---	---	---
King.....	211	13	---	---	---
Kinney.....	446	124	---	---	---
Kleberg.....	1,623	74	2	---	---
Knox.....	1,892	93	4	---	---
Lamar.....	5,746	195	7	---	---
Lamb.....	2,403	194	4	1	---
Lampasas.....	1,501	52	---	---	---
LaSalle.....	751	45	---	---	---
Lavaca.....	2,480	183	2	---	---
Lee.....	1,349	106	5	---	---
Leon.....	1,771	63	---	---	---
Liberty.....	2,902	151	5	---	---
Limestone.....	3,949	96	1	---	---
Lipscomb.....	1,036	230	3	1	---
Live Oak.....	1,062	133	2	13	---
Llano.....	1,342	63	---	---	---
Loving.....	133	4	---	---	---
Lubbock.....	6,679	918	3	5	---
Lynn.....	2,084	94	6	---	---
Madison.....	1,107	23	---	---	---
Marion.....	953	98	---	---	---
Martin.....	812	42	1	---	---
Mason.....	1,000	138	---	---	---

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Matagorda.....	1,863	300	1	—	—
Maverick.....	965	99	1	3	—
McCulloch.....	1,985	145	6	—	—
McLennan.....	13,058	569	27	7	3
McMullen.....	285	18	—	—	—
Medina.....	2,398	676	—	1	—
Menard.....	817	81	—	—	—
Midland.....	1,352	85	—	—	—
Milam.....	3,537	125	9	3	—
Mills.....	1,017	93	—	—	—
Mitchell.....	2,089	139	3	—	—
Montague.....	—No Report—				
Montgomery.....	2,563	61	1	—	—
Moore.....	604	31	1	—	—
Morris.....	1,229	34	—	—	—
Motley.....	895	37	—	—	—
Nacogdoches.....	4,200	87	2	—	—
Navarro.....	6,017	169	1	—	2
Newton.....	1,159	63	1	—	—
Nolan.....	3,038	154	1	—	—
Nueces.....	7,266	529	4	7	—
Ochiltree.....	1,163	65	1	1	—
Oldham.....	451	14	—	—	—
Orange.....	2,389	90	3	—	—
Palo Pinto.....	2,896	189	7	—	—
Panola.....	2,425	95	22	—	—
Parker.....	2,662	189	10	1	—
Parmer.....	1,088	95	2	—	—
Pecos.....	1,416	93	1	2	—
Polk.....	1,703	62	—	—	—
Potter.....	6,922	607	12	4	—
Presidio.....	1,024	32	1	—	—
Rains.....	712	39	4	—	—
Randall.....	1,760	55	1	—	—
Reagan.....	510	29	—	—	—
Real.....	220	37	—	—	—
Red River.....	2,789	87	1	—	—
Reeves.....	1,196	50	1	—	—
Refugio.....	1,187	177	1	1	—
Roberts.....	433	25	—	—	—
Robertson.....	2,683	51	—	4	—
Rockwall.....	1,179	14	—	—	—
Runnels.....	3,153	161	5	1	—

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Rusk	5,740	243	—	—	—
Sabine	1,272	45	1	—	—
San Augustine	1,081	27	—	—	—
San Jacinto	606	19	—	—	—
San Patricio	2,511	192	21	5	—
San Saba	1,573	71	—	—	—
Schleicher	522	41	1	—	—
Scurry	1,857	73	1	—	—
Shackelford	1,299	61	—	—	—
Shelby	3,238	71	8	—	—
Sherman	579	25	—	—	—
Smith	7,438	393	4	2	—
Somervell	341	40	2	1	—
Starr	2,323	289	3	2	—
Stephens	2,234	155	3	2	1
Sterling	398	12	—	—	—
Stonewall	1,028	33	1	1	—
Sutton	423	39	—	—	—
Swisher	1,504	84	1	1	—
Tarrant	31,400	2,322	46	12	5
Taylor	6,543	313	3	—	—
Terrell	380	37	—	—	—
Terry	1,644	54	1	—	—
Throckmorton	1,025	45	—	—	—
Titus	1,901	58	2	1	—
Tom Green	4,928	530	13	2	—
Travis	12,766	492	18	6	—
Trinity	1,307	46	1	—	—
Tyler	1,150	50	—	—	—
Upshur	—No Report—				
Upton	795	50	—	—	—
Uvalde	1,903	201	—	—	—
Val Verde	1,515	251	—	—	—
Van Zandt	3,357	159	11	3	—
Victoria	2,264	166	—	—	—
Walker	1,716	22	2	—	—
Waller	952	46	1	—	—
Ward	1,131	83	—	—	—
Washington	2,110	72	3	—	—
Webb	3,998	367	—	—	—
Wharton	3,215	173	6	—	—
Wheeler	2,530	179	5	1	—
Wichita	9,817	726	11	1	—

County	For Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Allred	Harris	Brannin	Brooks	
Wilbarger.....	3,482	141	4	1	.....
Willacy.....	1,174	212	.....	.....	.....
Williamson.....	5,252	188	5	1	.....
Wilson.....	2,728	141	1	1	.....
Winkler.....	940	51	4	.....	.....
Wise.....	2,837	229	4	.....	.....
Wood.....	2,842	135	6	.....	.....
Yoakum.....	233	14	2	.....	.....
Young.....	3,173	175	3	.....	.....
Zapata.....	298	20	.....	.....	.....
Zavala.....	917	105	2	.....	2
	782,083	58,842	962	283	45

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Anderson.....	3,929	119	1	.....	.....
Andrews.....	276	10	1	.....	.....
Angelina.....	4,288	117	4	.....	.....
Aransas.....	299	234	37	2	.....
Archer.....	1,745	82	.....	.....	.....
Armstrong.....	917	19	.....	1	.....
Atascosa.....	2,186	165	5	2	.....
Austin.....	1,832	118	2	.....	.....
Bailey.....	869	95	1	.....	.....
Bandera.....	835	333	3	.....	.....
Bastrop.....	2,521	78	2	1	.....
Baylor.....	1,622	59	1	.....	.....
Bee.....	1,904	201	4	1	.....
Bell.....	6,158	188	6	1	.....
Bexar.....	42,364	6,499	31	15	.....
Blanco.....	1,193	211	1	.....	.....
Borden.....	232	13	.....	.....	.....
Bosque.....	2,450	184	4	.....	.....
Bowie.....	5,251	261	6	.....	.....
Brazoria.....	2,469	288	4	1	.....

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Brazos.....	2,699	45	1	2	.....
Brewster.....	944	60	.....	.....	.....
Briscoe.....	877	29	.....	.....	.....
Brooks.....	428	64	.....	1	.....
Brown.....	4,243	197	3	.....	.....
Burleson.....	1,682	62	.....	.....	.....
Burnet.....	1,662	59	1	.....	.....
Caldwell.....	3,193	94	.....	2	.....
Calhoun.....	733	42	1	.....	.....
Callahan.....	1,860	135	5	.....	.....
Cameron.....	6,804	1,295	11	2	.....
Camp.....	910	31	.....	.....	.....
Carson.....	1,637	87	.....	.....	.....
Cass.....	2,529	110	.....	.....	.....
Castro.....	995	35	.....	.....	.....
Chambers.....	1,085	66	1	.....	.....
Cherokee.....	3,913	134	4	.....	.....
Childress.....	2,213	108	6	.....	.....
Clay.....	2,274	87	1	1	.....
Cochran.....	712	30	8	.....	.....
Coke.....	932	36	7	.....	.....
Coleman.....	3,075	163	3	.....	.....
Collin.....	5,859	367	5	1	.....
Collingsworth.....	1,963	103	4	.....	.....
Colorado.....	1,603	191	4	2	.....
Comal.....	2,004	168	.....	.....	.....
Comanche.....	2,809	.....	.....	.....	.....
Concho.....	1,125	48	.....	.....	.....
Cooke.....	4,067	336	5	2	.....
Coryell.....	2,198	59	2	.....	.....
Cottle.....	1,271	53	4	.....	.....
Crane.....	639	6	.....	.....	.....
Crockett.....	276	27	.....	.....	.....
Crosby.....	1,796	76	.....	.....	.....
Culberson.....	257	13	.....	.....	.....
Dallam.....	1,534	137	1	2	.....
Dallas.....	44,282	5,160	109	19	.....
Dawson.....	1,906	83	1	.....	.....
Deaf Smith.....	1,308	78	.....	.....	.....
Delta.....	1,505	43	.....	.....	.....
Denton.....	5,300	259	5	.....	.....
DeWitt.....	2,261	196	2	.....	.....
Dickens.....	1,569	59	1	.....	.....

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Dimmitt.....	800	153	---	---	---
Donley.....	1,591	81	1	---	---
Duval.....	2,928	138	---	---	---
Eastland.....	5,033	384	15	2	---
Ector.....	879	25	1	---	---
Edwards.....	446	73	---	---	---
Ellis.....	5,771	204	6	---	---
El Paso.....	12,330	951	23	17	---
Erath.....	2,854	165	3	---	---
Falls.....	3,540	81	1	1	---
Fannin.....	5,322	260	5	---	---
Fayette.....	3,257	248	1	---	---
Fisher.....	2,147	60	4	---	---
Floyd.....	1,978	110	1	---	---
Foard.....	950	54	---	---	---
Fort Bend.....	2,718	75	2	---	---
Franklin.....	960	50	---	---	---
Freestone.....	1,988	79	2	---	---
Frio.....	1,137	74	---	---	---
Gaines.....	704	17	2	---	---
Galveston.....	10,155	925	13	3	---
Garza.....	865	68	1	---	---
Gillespie.....	1,323	1,163	5	2	---
Glasscock.....	262	23	1	---	---
Goliad.....	1,251	272	---	1	---
Gonzales.....	2,925	133	---	1	---
Gray.....	4,521	290	5	2	---
Grayson.....	11,009	581	13	2	---
Gregg.....	6,703	332	4	2	---
Grimes.....	1,950	45	2	1	---
Guadalupe.....	3,432	911	5	1	---
Hale.....	3,241	256	6	---	---
Hall.....	2,226	63	4	---	---
Hamilton.....	2,065	90	1	---	---
Hansford.....	864	45	6	---	---
Hardeman.....	2,091	122	2	1	---
Hardin.....	2,399	---	---	---	---
Harris.....	63,304	3,942	72	41	---
Harrison.....	3,570	101	5	---	---
Hartley.....	581	34	---	---	---
Haskell.....	2,802	84	---	1	---
Hays.....	2,176	99	1	---	---
Hemphill.....	1,055	77	---	---	---

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Henderson	3,407	124	6	—	—
Hidalgo	8,155	1,855	14	5	—
Hill	4,866	146	—	—	—
Hockley	1,744	48	17	—	—
Hood	1,048	58	—	—	—
Hopkins	2,879	154	2	—	—
Houston	2,472	66	1	—	—
Howard	3,202	102	3	1	—
Hudspeth	386	9	1	—	—
Hunt	5,932	231	2	1	—
Hutchinson	2,647	246	6	—	—
Irion	517	18	4	—	—
Jack	1,399	99	—	—	—
Jackson	1,020	102	—	1	—
Jasper	1,536	59	—	—	—
Jeff Davis	328	6	—	—	—
Jefferson	19,531	1,329	28	10	—
Jim Hogg	739	22	—	—	—
Jim Wells	1,965	134	3	1	—
Johnson	4,487	163	3	1	—
Jones	3,529	179	5	2	—
Karnes	2,386	147	—	—	—
Kaufman	4,032	154	1	—	—
Kendall	544	590	—	—	—
Kenedy	119	7	—	—	—
Kent	553	9	1	—	—
Kerr	1,988	627	1	1	—
Kimble	756	50	—	—	—
King	211	13	—	—	—
Kinney	446	124	—	—	—
Kleberg	1,630	70	1	—	—
Knox	1,897	91	4	—	—
Lamar	5,763	184	7	—	—
Lamb	2,421	180	11	—	—
Lampasas	1,526	52	—	—	—
LaSalle	751	39	—	—	—
Lavaca	2,494	180	2	—	—
Lee	1,355	106	1	—	—
Leon	1,774	60	—	—	—
Liberty	2,899	148	5	1	—
Limestone	3,954	96	1	—	—
Lipscomb	1,032	229	3	1	—
Live Oak	1,069	121	3	1	—

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Llano.....	1,362	56	—	—	—
Loving.....	135	4	—	—	—
Lubbock.....	6,690	317	2	5	—
Lynn.....	2,085	87	6	—	—
Madison.....	1,167	22	—	—	—
Marion.....	951	96	—	—	—
Martin.....	815	43	1	—	—
Mason.....	1,000	138	—	—	—
Matagorda.....	1,867	272	1	—	—
Maverick.....	976	91	1	3	—
McCulloch.....	1,998	137	6	1	—
McLennan.....	13,153	548	28	5	—
McMullen.....	237	17	—	—	—
Medina.....	2,395	681	—	1	—
Menard.....	830	72	—	—	—
Midland.....	1,371	72	—	—	—
Milam.....	3,572	112	9	3	—
Mills.....	1,059	88	—	—	—
Mitchell.....	2,096	134	3	—	—
Montague.....	—No Report—				
Montgomery.....	2,573	59	1	—	—
Moore.....	602	31	1	—	—
Morris.....	1,231	31	—	—	—
Motley.....	897	33	—	—	—
Nacogdoches.....	4,213	86	1	—	—
Navarro.....	6,052	141	1	—	—
Newton.....	1,158	63	—	—	—
Nolan.....	3,047	145	1	—	—
Nueces.....	7,341	478	4	3	—
Ochiltree.....	1,177	65	1	1	—
Oldham.....	454	13	—	—	—
Orange.....	2,402	89	3	—	—
Palo Pinto.....	2,928	181	6	—	—
Panola.....	2,425	95	2	—	—
Parker.....	2,702	179	10	1	—
Parmer.....	992	94	2	2	—
Pecos.....	1,426	87	1	2	—
Polk.....	1,707	59	—	—	—
Potter.....	7,004	575	10	3	—
Presidio.....	1,030	30	1	—	—
Rains.....	716	38	2	—	—
Randall.....	1,770	55	1	—	—
Reagan.....	513	27	—	—	—

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Real	235	32	—	—	—
Red River	2,803	85	1	—	—
Reeves	1,202	48	1	—	—
Refugio	1,182	174	2	2	—
Roberts	433	23	—	—	—
Robertson	2,702	39	1	1	—
Rockwall	1,180	14	—	—	—
Runnels	3,168	146	5	1	—
Rusk	5,747	240	—	—	—
Sabine	1,277	46	1	—	—
San Augustine	887	24	—	—	—
San Jacinto	606	19	—	—	—
San Patricio	2,520	194	3	1	—
San Saba	1,576	67	—	—	—
Schleicher	526	47	1	—	—
Scurry	1,859	66	1	—	—
Shackelford	1,236	58	—	—	—
Shelby	3,242	68	9	—	—
Sherman	580	24	—	—	—
Smith	7,461	390	4	2	—
Somervell	342	33	2	1	—
Starr	2,320	284	5	2	—
Stephens	2,579	135	2	2	—
Sterling	399	11	—	—	—
Stonewall	1,031	30	1	1	—
Sutton	418	33	—	—	—
Swisher	1,521	71	—	1	—
Tarrant	31,909	2,162	75	8	—
Taylor	6,581	299	2	—	—
Terrell	374	40	—	—	—
Terry	1,645	53	1	—	—
Throckmorton	1,024	42	—	—	—
Titus	1,907	54	2	1	—
Tom Green	5,087	342	15	2	—
Travis	12,551	495	17	13	—
Trinity	1,314	61	1	—	—
Tyler	1,156	50	—	—	—
Upshur	—No Report—				
Upton	797	46	—	—	—
Uvalde	1,906	196	—	—	—
Val Verde	1,519	250	—	—	—
Van Zandt	3,369	149	11	3	—
Victoria	2,264	165	—	—	—

County	For Lieutenant Governor				
	Dem.	Rep.	Soc.	Com.	Scattered Votes
	Woodul	Humphreys	Pierce	Fields	
Walker.....	1,718	18	2	—	—
Waller.....	958	48	1	—	—
Ward.....	1,141	83	—	—	—
Washington.....	2,117	67	3	—	—
Webb.....	3,990	364	—	—	—
Wharton.....	3,228	168	6	—	—
Wheeler.....	2,544	168	4	—	—
Wichita.....	10,027	713	11	—	—
Wilbarger.....	3,483	24	4	1	—
Willacy.....	1,167	213	—	—	—
Williamson.....	5,313	174	5	1	—
Wilson.....	2,643	140	3	—	—
Winkler.....	937	49	4	—	—
Wise.....	2,868	211	3	—	—
Wood.....	2,847	135	6	—	—
Yoakum.....	238	14	2	—	—
Young.....	3,194	173	2	—	—
Zapata.....	297	20	—	—	—
Zavala.....	927	101	2	—	—
	784,005	56,396	952	232	43

Austin, Texas, January 14, 1937.

Hon. Walter Woodul, President of the Senate, and Hon. Robert W. Calvert, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 3, 1936, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor:

	Votes
James V. Allred	782,083
C. O. Harris	58,842
Carl Brannin	962
Homer Brooks	283
Scattering and irregular	45

There were cast for Lieutenant Governor:

	Votes
Walter F. Woodul	784,005
R. W. Humphreys	56,396
Paul Pierce	952
Hal W. Fields	232
Scattering and irregular	43

All of which is respectfully submitted.

BROWNLEE,
ONEAL,
BECK,
COTTEN

On the part of the Senate.

KNETSCH,
McFARLAND,
FELTY,
METCALFE,
AMOS.

On the part of the House.

Whereupon, the Chair made the following announcement:

"Honorable James V. Allred having received the highest number of

votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years, and Honorable Walter Woodul having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The Chair then delivered the official returns to the Chief Clerk of the House of Representatives, taking her receipt therefor and directing her to deliver the same in person to the Secretary of State and to take the receipt of the Secretary of State for the documents.

The Lieutenant Governor then announced that the business of the Joint Session was concluded.

SENATE RETIRES

At 5:40 o'clock p. m., at the conclusion of the Joint Session, the Senate retired to its Chamber.

EXTENDING INVITATION TO MEMBERS OF THE HOUSE

The Chair laid before the House and had read the following communication:

January 14, 1937.

The Austin Chapter of the ex-students of the Texas State College for Women (C. I. A.) invites you to be present at a tea given in your honor on Tuesday, January 26, at the Austin Woman's Club, Eighth and San Antonio Streets. The hour is from four to six.

R. S. V. P. Mrs. L. L. Kerr, 1307 West Avenue. Telephone 9965.

(Speaker in the Chair.)

PROVIDING FOR CERTAIN ADJOURNMENT PERIOD FOR THE TWO HOUSES

Mr. Metcalfe offered the following resolution:

H. C. R. No. 5, Granting permission to both Houses to adjourn.

Resolved by the House of Representatives, the Senate concurring, That permission be granted by each

House to the other to adjourn from Thursday, January 14th., to Monday, January 18th., 1937.

The resolution was read second time, and was adopted.

PROVIDING FOR PAYMENT OF EXPENSES OF INAUGURATION OF GOVERNOR AND LIEUTENANT GOVERNOR

Mr. Metcalfe offered the following resolution:

H. C. R. No. 6, Providing for payment of expenses of inauguration of Governor and Lieutenant Governor.

Whereas, In the resolution providing for a Joint Committee to make arrangements for the inauguration of the Governor and the Lieutenant Governor no provision was made to defray the expenses incident to such inauguration; therefore, be it

Resolved by the House, the Senate concurring, That said Committee is hereby authorized to make the necessary expenditures, the same to be paid equally out of the Contingent Expense Funds of the House and Senate.

METCALFE,
THORNBERRY.

The resolution was read second time, and was adopted.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 1, Extending sympathy to Dr. and Mrs. W. W. Mattson.

H. C. R. No. 2, Fixing per diem of Members of the Forty-fifth Legislature.

ADOPTING JO ANN RUTTA AS MASCOT OF THE HOUSE

Mr. Mauritz offered the following resolution:

Whereas, We have elected a Queen of Mascots, and several Mascots of the House of Representatives of the Forty-fifth Legislature; and

Whereas, Jo Ann Rutta, the winsome little daughter of our distinguished Member, Charles D. Rutta, of Columbus, Texas, will be an added

beauty to the already beautiful array of Mascots elected; therefore, be it

Resolved, That the said Jo Ann Rutta be hereby officially named as a Mascot of the House of Representatives of the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body.

MAURITZ,
HERZIK.

The resolution was read second time, and was adopted.

ADDITIONAL SIGNER OF BILL AND RESOLUTION

By unanimous consent of the House, Mr. Leyendecker was authorized to sign House Joint Resolution No. 9 and House Bill No. 10, as co-author of same.

ADOPTING JEAN ELLIOTT HANKAMER AS MASCOT OF THE HOUSE

Mr. Stinson offered the following resolution:

Whereas, One of our distinguished Members, Honorable Harold Hankamer and Mrs. Hankamer of El Paso, are the parents of a lovely daughter, Jean Elliott Hankamer; and

Whereas, It is the desire of the House of Representatives of the Forty-fifth Legislature of the State of Texas, that the said Jean Elliott Hankamer be designated as a Mascot of the House; therefore, be it

Resolved, That said Jean Elliott Hankamer, daughter of our distinguished colleague and Mrs. Hankamer, be and she is hereby officially named and designated by the House as a Mascot of the House of Representatives for the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That said Mascot have her picture made and placed with the Members of the House in the official group of this body.

The resolution was read second time, and was adopted.

ADOPTING WINIFRED DIANE COLLINS AS MASCOT OF THE HOUSE

Mr. Hanna offered the following resolution:

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-fifth Legislature; now, therefore, be it

Resolved, That Winifred Diane Collins, six year old daughter of our distinguished Member, Leland M. Johnson, of Waxahachie, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-fifth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body.

HANNA,
McKEE.

The resolution was read second time, and was adopted.

ADOPTING JOYCE LA NELLE DAVISON AS MASCOT OF THE HOUSE

Mr. Wood offered the following resolution:

Whereas, Up to the present time several lovely and charming young daughters of Representatives of this House have been named as Mascots; and

Whereas, We have in our midst Joyce La Nelle Davison, daughter of the Honorable Howard C. Davison, Member of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That Joyce La Nelle Davison be added to the list of Mascots of this House and that her name be placed on the list and her picture appear in the group picture of the Members of this House.

The resolution was read second time, and was adopted.

ADDRESS BY HONORABLE LEONARD WESTFALL

Mr. Bradbury offered the following resolution:

Whereas, There is present in the House a distinguished statesman and titanic Texan; and

Whereas, He is an eloquent speaker and orator; therefore, be it

Resolved, That the Honorable Leonard Westfall be invited to address the House.

BRADBURY,
JONES of Falls.

The resolution was read second time and was adopted.

In accordance with the above action, Honorable Leonard Westfall was escorted to the Speaker's stand by Mr. Bradbury and Mr. Jones of Falls.

Speaker Calvert presented Mr. Jones of Falls who in turn introduced Mr. Westfall.

Mr. Westfall then addressed the House.

MESSAGE FROM THE SENATE

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 5, Granting permission to the House of Representatives and Senate to adjourn from Thursday, Jan. 14, 1937, to Monday, January 18, 1937.

H. C. R. No. 6, Defraying the expenses incident to the inauguration preparations.

H. B. No. 69, "An Act to declare a closed season on the killing of quail and bobwhite in certain counties, etc."

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADJOURNMENT

Mr. Thornton moved that the House adjourn until 10:00 o'clock a. m., Monday, January 18.

Question recurring on the motion by Mr. Thornton, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Baker	Davison of Fisher
Bates	Deglandon
Blankenship	Dollins
Boethel	Felty
Boyer	Fox
Bradford	Fuchs
Bridgers	Hamilton
Broadfoot	Hankamer
Brown	Hanna
Burton	Harper
Cagle	Harris of Archer
Carssow	Harris of Dallas
Cleveland	Holland
Colquitt	Hoskins
Davis of Haskell	Hull

Hyder	Patterson
Johnson	of Travis
of Tarrant	Powell
Jones of Angelina	Prescott
Jones of Falls	Ragsdale
Jones of Wise	Rhodes
King	Roark
Knetsch	Russell
Langdon	Schuenemann
Leonard	Sharpe
Little	Shell
Mauritz	Skaggs
Mays	Smith of Hopkins
McCracken	Smith
McDonald	of Matagorda
McFarland	Stinson
McKee	Stocks
Metcalf	Talbert
Monkhouse	Tennyson
Morris	Thornberry
Morse	Thornton
Oliver	Waggoner
Palmer	Walker
Patterson of Mills	Westbrook
	Worley

Nays—38

Adkins	Lankford
Amos	Lanning
Beckworth	Leath
Bond	Loggins
Bradbury	London
Callan	Lucas
Davis of Jasper	Mann
Derden	McConnell
Farmer	Quinn
Fielden	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rutta
Harrell	Settle
Harris of Dickens	Sewell
Heflin	Simpson
Huddleston	Tarwater
James	Weldon
Johnson of Ellis	Winfree
Kern	Wood

Absent

Alexander	Jones of Atascosa
Alsup	Kelt
Bell	Kenvon
Cathey	McKinney
Celaya	Moffett
Davisson	Nicholson
of Eastland	Petsch
Dean	Pope
Dickison	Reader
England	Riddle
Gibson	Ross
Graves	Smith of Tarrant
Hartzog	Stevenson
Herzik	Tennant
Howard	Vale
Jackson	

Absent—Excused

Keefe Leyendecker
Keith Newton

The House, accordingly, at 6:10 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, January 18.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Appropriations filed a favorable report on House Bill No. 69.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

LOUISE SNOW PHINNEY,
Chief Clerk.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, "An Act making an appropriation of the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Third Called Session

of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,
Chief Clerk.

Committee Room,

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 1, Extending condolence and sympathy to Dr. and Mrs. W. W. Mattson of Tacoma.

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,
Chief Clerk.

Committee Room,

Austin, Texas, January 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 2, Fixing the per diem of the Members of the Forty-fifth Legislature.

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,
Chief Clerk.

THIRD DAY

(Monday, January 18, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called and the following Members were present:

Mr. Speaker	Broadfoot
Adkins	Brown
Alexander	Burton
Alsup	Cagle
Amos	Callan
Baker	Carssow
Bates	Cathey
Beckworth	Celaya
Bell	Cleveland
Blankenship	Colquitt
Boethel	Davis of Haskell
Bond	Davis of Jasper
Boyer	Davison of Fisher
Bradbury	Davison
Bradford	of Eastland
Bridgers	Dean